

Minutes of the Ordinary Meeting of Council



Held on the 7 August 2023

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

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The Meeting opened at 7.00pm.

Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Present

Mayor Cr Peter Castaldo, Cr. Elizabeth Nealy, Cr Rick Garotti, Cr Peter Dimarelos, Cr Tom Melican, Cr Fiona Mitsinikos

Allison Beckwith – Chief Executive Officer, Marc Giglio – Director Corporate Services, Kath Brackett – Director Community Wellbeing, Darren Bennett – Director Assets & City Services, Krysten Forte – Governance Coordinator, Linda Chapple- Governance & Council Business Specialist, Fletcher Coburn – Governance Customer Support Officer, Robbie Colosimo – Manager Family and Community Services, Leonie Farrell – Youth Services Coordinator, Joe Schipano – IT Service Desk Officer, Duncan Stephen – Jets Facility & Technical Office, Krishan Meepe – Jets Youth Programs Officer

Apologies

Cr Alida McKern
Cr Alison Champion
Cr Mark Di Pasquale

Leave of Absence Motion

Councillor Melican declared a Material Conflict of Interest and left the Chamber at 7.05pm

That Council grants a Leave of Absence for Cr Melican for the period Monday 14 August 2023 – Friday 29 September 2023 (inclusive)

Moved: Cr Fiona Mitsinikos

Seconded: Cr Elizabeth Nealy

CARRIED

Councillor Melican Returned to the Chamber at 7.06pm and was not present for the vote.

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 17 July 2023

Moved: Cr Elizabeth Nealy

Seconded: Cr Peter Dimarelos

CARRIED

Disclosure of Interests

Councillor Tom Melican declared a Material Conflict of Interest for Leave of Absence and was not present for the vote.

Councillor Rick Garotti declared a Material Conflict of Interest for item 6.2 and was not present for the vote.

Presentation

Banyule Youth Summit – Local students Omayma Ali, Elle Sansome and Thomas Crookshanks attended this year's Youth Summit. The students delivered a presentation detailing their experiences of the event and provided a brief video to recap to share with Council.

1. URGENT BUSINESS

Nil

2. PETITIONS

Nil

Procedural Motion – Reorder of Council Agenda Papers

That Council request that the business of the agenda be reordered to allow items 4.1 and 6.2 to be discussed first, with the remaining of the business in the agenda to follow.

Moved: Cr Elizabeth Nealy
seconded: Cr Fiona Mitsinikos
CARRIED

Item 4.1 and 6.2 were discussed and determined by Council prior to item 3.1 and the meeting minutes should be read in this order.

3. OUR TRUSTED AND RESPONSIVE LEADERSHIP**3.1 AUSTRALIAN LOCAL GOVERNANCE ASSOCIATION (ALGA) NATIONAL CONFERENCE - JUNE 2023**

Cr Fiona Mitsinikos left the Chamber at 8.30pm and returned to the Chamber at 8.35pm and was present for the vote.

SUMMARY

1. Local government leaders from around Australia gathered in Canberra from 13 – 16 June 2023 for the 29th Australian Local Government Association (ALGA) National General Assembly of Local Government (NGA).
2. Representing Banyule City Council included the Councillor delegates Cr Alida McKern, Cr Peter Dimarelos, and Cr Tom Melican.
3. At the Council Meeting on the 27 February 2023 Council endorsed two (2) motions to be submitted to the ALGA NGA regarding support for advocacy on Urban Food Strategy and Electrification of Council facilities. These motions were presented to the Assembly and 'carried' accordingly.
4. ALGA is the national voice of local government, representing over 530 councils across the nation, and is a federation of state and territory local government associations.

5. ALGA is guided by their key policies and strategic priorities which are determined by the AGLA Board, consisting of two (2) representatives from each of the member associations and an independent chair.
6. The 2023 NGA was the biggest conference held to date in terms of presentations, size and attendee numbers and featured a wide range of high profile and engaging speakers, leaders, and presenters.
7. The theme for the 2023 NGA was “*Our Communities, Our Future*”. The full conference program can be downloaded and read here: 8f752eb437ad401895f34ac9004715a8@msecnd.net
8. A copy of the resolutions that were passed at the NGA 2023 can be found here: 2023-Resolutions-from-the-National-General-Assembly-of-Local-Government.pdf (alga.com.au)
9. Attendance at the ALGA NGA is important for Councillors to continue to understand sector and national issues that impact local government and learn of opportunities and challenges ahead. Learnings contextualised to Banyule is important in Council continuing to achieve its Vision and Council Plan Objectives.
10. This Report provides a summary of the expenses that were incurred by Councillors travel and attendance at the NGA which is a requirement as set out in the Council Expenses Policy.
11. It is important to note that Councillor attendance is budgeted for in Council’s adopted operating budget.

RECOMMENDATION

That Council:

1. Receive and note the Report prepared on behalf of Councillor delegates who attended the Australian Local Government Association (ALGA) - National General Assembly 13-16 June 2023.
2. Note that **Attachment 1** to this Report details the summary of presentations and discussions and highlights as detailed from Councillors in attendance.
3. Note that over 145 motions were presented to the ALGA National General Assembly with the resolutions from each motion hyperlinked in the body of this Report.
4. Acknowledge and note the importance of the annual Australian Local Government Association – National General Assembly, and the importance of collaboration between local government agencies at local, state, and national level.

Resolution (CO2023/131)

That Council:

1. Receive and note the Report prepared on behalf of Councillor delegates who attended the Australian Local Government Association (ALGA) - National General Assembly 13-16 June 2023.
2. Note that **Attachment 1** to this Report details the summary of presentations and discussions and highlights as detailed from Councillors in attendance.
3. Note that over 145 motions were presented to the ALGA National General Assembly with the resolutions from each motion hyperlinked in the body of this Report.

4. Acknowledge and note the importance of the annual Australian Local Government Association – National General Assembly, and the importance of collaboration between local government agencies at local, state, and national level.
5. Request a report be presented back to a future Council Meeting regarding the considerations that need to be given to future interstate travel for Councillors and staff considering Council's Corporate Emissions Reduction Plan and targets

Moved: Cr Rick Garotti

Seconded: Cr Peter Dimarelos

CARRIED

3.2 REVISED PROCUREMENT POLICY FOR ADOPTION AND ANNUAL PROCUREMENT REPORTING

Cr Peter Dimarelos left the Chamber at 8.45pm and returned at 8.47pm and was present for the vote.

SUMMARY

1. The purpose of this report is to satisfy the Council resolution CO2021/105 and to outline the recommended changes to the current Procurement Policy.
2. The Procurement Policy was adopted by Council on 24 May 2021 and came into effect on 1 July 2021. Councils are required to review their Procurement Policy every four (4) years under the *Local Government Act 2020*.
3. Upon establishment of the Sustainable Procurement Framework, it was proposed that the Procurement Policy be revised in 2023, to assess if the policy delivers desired outcomes relating to agreed sustainable procurement KPIs and targets.
4. This assessment has been undertaken and it is proposed that the below changes to the Procurement Policy 2021-2025 include:
 - Adjustments to Sustainable Procurement Framework Key Performance Indicators SPF1, SPF2, SPF7, SPF8 and SPF9.
 - Adjustments to the procurement methodology to include at least one quote from a Social or Local Business where the category of expenditure has a "High" Social or Local Business opportunity, depending on availability of Local or Social Businesses.
 - Amend the Policy to require that a Best and Final Offer (BAFO) is undertaken for all tenders. (Council Resolution CO2023/108).
 - Other minor updates (e.g., descriptors).
5. The Council resolution on 24 May 2021 (CO2021/105) requested that Council officers prepare a report on procurement contracts approved between \$0.5 million and \$1.0 million under the Chief Executive Officer's delegation.
6. An Annual Procurement Plan is presented to Council. The Procurement Plan is a point in time document that may change throughout the year to include unforeseen procurement activities.

RECOMMENDATION

That Council:

1. Consider for adoption the Revised Procurement Policy 2021-2025.

2. Continue to show leadership in sustainable procurement practices and report each year via the Council Plan report on achievements against the agreed measures.
3. Commits through the Procurement Policy to get the best value for money in all its procurement activities using a Best and Final Offer (BAFO) process.
4. Deliver educational sessions to the community and local businesses on Banyule City Council's Sustainable Procurement Framework throughout the year.
5. Note that the Chief Executive Officer awarded seven (7) contracts, each valued between \$0.5 million and \$1.0 million, under delegation in the 2022/23 financial year.
6. Receives the 2023/24 Annual Procurement Plan detailing the anticipated procurement activity that includes the expenditure for anything over \$100,000 as attached to this report.
7. Note that the sustainable and collaborative procurement opportunities for the known strategic sourcing events have been considered and classified.
8. Note that the Procurement Plan is continually reviewed and updated throughout the year.

Resolution (CO2023/132)**That Council:**

1. Adopt the Revised Procurement Policy 2021-2025
2. Commits through the Procurement Policy to get the best value for money in all its procurement activities using a Best and Final Offer (BAFO) process.
3. Recommend to the Northern Council Alliance, at the next review of the 4-year Procurement Policy 2025-2029, to include under Section 2 of the Policy a statement that Council commits to get the best value for money in all its procurement activities using a Best and Final Offer (BAFO) process.
4. Continue to show leadership in sustainable procurement practices and report each year via the Council Plan report on achievements against the agreed measures
5. Deliver educational sessions to the community and local businesses on Banyule City Council's Sustainable Procurement Framework throughout the year.
6. Note that the Chief Executive Officer awarded seven (7) contracts, each valued between \$0.5 million and \$1.0 million, under delegation in the 2022/23 financial year.
7. Receives the 2023/24 Annual Procurement Plan detailing the anticipated procurement activity that includes the expenditure for anything over \$100,000 as attached to this report. **(Attachment 3)**
8. Note that the sustainable and collaborative procurement opportunities for the known strategic sourcing events have been considered and classified.
9. Note that the Procurement Plan is continually reviewed and updated throughout the year.

10. Provide a copy of the Revised Procurement Policy 2021-25 to the Audit and Risk Committee for noting.

Moved: Cr Rick Garotti

Seconded: Cr Elizabeth Nealy

CARRIED

3.3 RECORD OF COUNCILLOR MEETINGS

SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 14 November 2022 adopted the Banyule Governance Rules. The Governance Rules, Chapter 6 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, meet the following definition:

If there is a meeting of Councillors that:

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

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

Record of Meetings

| | | |
|--|-------------------------|----------------------------|
| 1 | Date of Meeting: | 10 July 2023 |
| | Type of Meeting: | Councillor-Training 5.04pm |
| Matters Considered: | | |
| Unreasonable Customer Behaviour Training | | |
| Councillors Present: | | |
| Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern (arrived 5.55pm) Cr Alison Champion Cr Tom Melican Cr Elizabeth Nealy | | |
| Staff Present: | | |
| Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & 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>Governance Coordinator</i> Suzanne Sealy - <i>Customer Experience Strategy Coordinator</i> | | |
| Others Present: | | |
| Lesley Whiteside– Consultant - Facilitator | | |
| Conflict of Interest: | | Nil |

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|--|-------------------------|----------------------------------|
| 2 | Date of Meeting: | 10 July 2023 |
| | Type of Meeting: | Councillor Briefing 6.30pm |
| Matters Considered: | | |
| Councillor Briefing Presentation Papers: | | |
| 1.1 Procurement update | | |
| 1.2 Upcoming Council reports relating to Advisory and Population Committees | | |
| 1.3 Chelsworth Park Pavilion update | | |
| Councillor Briefing Papers: | | |
| 2.1 La Trobe National Employment and Innovation Cluster (NEIC) | | |
| 2.2 Proposed Montmorency Station to Eltham Station Shared User Path (SUP) - Binns Street options | | |
| 2.3 Heritage Strategy for Community Consultation | | |
| 2.4 Banyule's Climate Action Project - 6-month update | | |
| General business: | | |
| DCMC (Darebin Creek Management Committee) Matters | | |
| Cat Curfew and Local Law Review matters | | |
| Community Ball update | | |
| North East Link | | |
| Councillors Present: | | |
| Mayor Cr Peter Castaldo | | |
| Deputy Mayor Cr Alida McKern | | |
| Cr Alison Champion | | |
| Cr Mark Di Pasquale | | |
| Cr Rick Garotti | | |
| Cr Tom Melican | | |
| Cr Fiona Mitsinikos – arrived 7.10pm | | |
| Cr Elizabeth Nealy | | |
| Staff Present: | | |
| Allison Beckwith - <i>Chief Executive Officer</i> | | |
| Darren Bennett – <i>Director Assets & 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>Governance Coordinator</i> | | |
| Sherryn Prinzi – <i>Community Impact Coordinator</i> | | |
| Jo Wilson – <i>Manager Resilience and Connected Communities</i> | | |
| Nicole Maslin – <i>Manager Health and Active Communities</i> | | |
| Tania O'Reilly – <i>Manager Procurement and Finance</i> | | |
| Tomas Hansson – <i>Strategic Procurement Coordinator</i> | | |
| Joel Elbourne – <i>Manager Planning, Building and Laws</i> | | |
| Others Present: Nil | | |
| Conflict of Interest: | | Nil |
| 3 | Date of Meeting: | 17 July 2023 |
| | Type of Meeting: | Pre-Brief Council Meeting 5.33pm |
| Matters Considered: | | |

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| | <p>3.1 Watsonia Town Square – Award of Construction Contract 1291-2023</p> <p>4.1 Adoption of Banyule Community Fund Granting Framework and Assessment Panel Terms of Reference</p> <p>5.1 Kerbside Contamination Management Policy</p> <p>6.1 9 The Panorama Eaglemont – New Dwelling in Significant Landscape Overlay (P1/2023)</p> <p>6.2 2-8 Glenmore Street, 44-50 Highview Crescent & 35 Thornton Street, Macleod – Proposed Aged Care Development</p> <p>8.1 Consideration of Submissions and Objection received – East Ivanhoe Village Special Charge Renewal</p> <p>8.2 Consideration of Submissions received – Ivanhoe Shopping Centre Special Rate and Charge Renewal</p> <p>8.3 Jobs Victoria Advocate Program Close Out</p> <p>9.1 Options paper for establishment of a Planning Delegated Committee of Council</p> <p>9.2 Improving Walking and Cycling access to all schools in Banyule</p> |
| | <p>Councillors Present:</p> <p>Mayor Cr Peter Castaldo</p> <p>Deputy Mayor Cr Alida McKern 5.34pm</p> <p>Cr Alison Champion</p> <p>Cr Mark Di Pasquale 5.38pm</p> <p>Cr Rick Garotti – 6.15pm left for discussion on item 6.2 returned 6.20pm</p> <p>Cr Tom Melican</p> <p>Cr Fiona Mitsinikos 5.35pm</p> <p>Cr Elizabeth Nealy</p> <p>Cr Peter Dimarelos 6.18pm</p> |
| | <p>Staff Present:</p> <p>Allison Beckwith - <i>Chief Executive Officer</i></p> <p>Darren Bennett – <i>Director Assets & City Services</i></p> <p>Marc Giglio – <i>Director Corporate Services</i></p> <p>Joel Elbourne – <i>Acting Director City Development</i></p> <p>Kath Brackett – <i>Director Community Wellbeing</i></p> <p>Krysten Forte – <i>Governance Coordinator</i></p> <p>Jonathan Risby – <i>Manager Transport & Environment</i></p> <p>Daniel Fantin – <i>Acting Manager Strategic Properties & Projects</i></p> <p>Linda Chapple – <i>Governance & Council Business Specialist</i></p> |
| | <p>Others Present:</p> |
| | <p>Conflict of Interest: Cr Rick Garotti Item 6.2</p> |

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| 4 | <p>Date of Meeting: 24 July 2023</p> <p>Type of Meeting: Councillor Briefing 6.34pm</p> |
| | <p>Matters Considered:</p> <p>Councillor Briefing Presentation:</p> <p>Economic Support Package – Business Support Outcomes</p> <p>IT, IM and Digital Transformation Quarterly Update June 2023</p> <p>Draft Resilient Banyule Framework – Present for Comment</p> <p>2023/2024 Advocacy Priorities</p> <p>Councillor Briefing Paper:</p> <p>Greensborough Baseball Club Batting Cage update and funding shortfall</p> <p>General Business:</p> |

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| Rate Notices | |
| Confidential – Strategic Property items | |
| Councillors Present: | |
| Mayor Cr Peter Castaldo | |
| Cr Mark Di Pasquale | |
| Cr Rick Garotti | |
| Cr Tom Melican (departed 9.47pm) | |
| Cr Fiona Mitsinikos (arrived 6.36pm) | |
| Cr Elizabeth Nealy | |
| Cr Peter Dimarelos | |
| Staff Present: | |
| Allison Beckwith - <i>Chief Executive Officer</i> | |
| Darren Bennett – <i>Director Assets & City Services</i> | |
| Marc Giglio – <i>Director Corporate Services</i> | |
| Natasha Swan – <i>Director City Development</i> | |
| Kath Brackett – <i>Director Community Wellbeing</i> | |
| Linda Chapple – <i>Governance and Council Business Specialist</i> | |
| Jo Wilson – <i>Manager Resilient and Connected Communities</i> | |
| Joty Singh – <i>Head of IT and Digital Transformation</i> | |
| Karen Leeder – <i>Manager City Futures</i> | |
| Shawn Neilsen – <i>Acting Manager Corporate Governance and Communications</i> | |
| Erica Hardie – <i>Coordinator Economic Development</i> | |
| Sandra Nervegna - <i>Coordinator Open Space Planning and Design</i> | |
| Michele Purtle – <i>Advocacy Lead</i> | |
| Sherryn Prinzi – <i>Coordinator Community Impact</i> | |
| Dani Ahimastos – <i>Senior Economic Development Officer</i> | |
| Kiku Allen – <i>Business Concierge Officer</i> | |
| Daniela Parisella – <i>Economic Development Officer</i> | |
| Others Present: | |
| | |
| Conflict of Interest: | Nil |

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| 5 | Date of Meeting: | 23 June 2023 |
| | Type of Meeting: | Audit and Risk Committee 10.30am |
| | Matters Considered: | |
| Pitcher Partners – Summary of Progress Report | | |
| Pitcher Partners – Child Safe Standards Report | | |
| Pitcher Partners – Payroll MAP | | |
| Pitcher Partners – Endorse 12 Month Internal Audit Plan 1 Oct 23 – 30 Sep 24 | | |
| Status Report - Internal Audit and Self-Assessment Recommendations – March 2023 | | |
| VAGO - Regulating Private Pool and Spa Safety | | |
| LGI - Checking compliance: A review of council policies | | |
| Property, Infrastructure, Plant & Equipment - Approach 2022/2023 | | |
| Insurance Strategy 2023-26 | | |
| Insurance Programme Review | | |

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| <p>Essential Services Committee - Banyule City Council Fact Sheets - Local Government Outcomes Report</p> <p>Follow Up Actions arising from the Committee meeting held Friday 23 June 2023</p> <p>Safety Management Framework Implementation Progress</p> <p>WorkCover Scheme Report</p> <p>Annual Work Plan - June 2023</p> <p>Performance of the Internal Audit service provider</p> <p>Review the Audit & Risk Committee Charter</p> <p>Audit & Risk Committee Bi-Annual Report - Period 1 December 2022 to 31 May 2023</p> <p>Risk Management Framework - Annual Review</p> <p>Enterprise Risk Update</p> <p>Integrity Agencies - Self Assessment Status Report as of 1 June 2023</p> <p>Quarterly Financial Management Report - March 2023</p> <p>Computer Assisted Audit Technique (CAATs) - Accounts Payable – Suppliers</p> <p>Computer Assisted Audit Techniques (CAATs) – Payroll</p> <p>Computer Assisted Audit Techniques (CAATs) - Infringements</p> | |
| Councillors Present: | |
| <p>Mayor Cr Peter Castaldo Cr Peter Dimarelos</p> | |
| Staff Present: | |
| <p>Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Tania O’Reilly – <i>Manager Finance & Procurement</i> Jonathan Risby – <i>Manager Transport & Environment</i> Lara McNally – <i>Senior Business Partner</i> Katherine Rainham – <i>Risk & Assurance Coordinator</i> Paul Wilson – <i>Risk & Assurance Advisor (Minute Taker)</i></p> | |
| Others Present: | |
| <p>Dr Irene Irvine - Chairperson Prof Stuart Kells – Independent Representative Mr Gregory Rimmer-Hollyman – Independent Representative Graham Noriskin – Pitcher Partners Richard Wilson – Pitcher Partners</p> | |
| Conflict of Interest: | Nil |

RECOMMENDATION

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

Resolution (CO2023/133)

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

Moved: Cr Tom Melican

Seconded: Cr Peter Dimarelos

CARRIED

3.4 AUDIT & RISK COMMITTEE (UNCONFIRMED) MINUTES - MEETING HELD 23 JUNE 2023

Kevan Hill from Banyule Ratepayers Action Group addressed Council in person and was speaking FOR the Officer recommendation

SUMMARY

1. The Audit & Risk Committee acts as an advisory committee of Council, and its role is determined by the *Local Government Act 2020*. The responsibilities and terms of reference of the Audit & Risk Committee are defined in the Committee's Charter.
2. In line with the Audit & Risk Committee Charter, the minutes of each Audit & Risk Committee meeting are required to be reported to an Ordinary Council Meeting.
3. Accordingly, the minutes of the meeting held on the 23 June 2023 are presented in this report for noting by Council.
4. The unconfirmed minutes have been reviewed by the Chairperson and are subject to confirmation by the Audit & Risk Committee at its next meeting scheduled for 22 September 2023.

RECOMMENDATION

That Council:

1. Note the unconfirmed meeting minutes of the Audit & Risk Committee meeting that was held on the 23 June 2023 before presentation to the Audit and Risk Committee for confirmation at its scheduled meeting for 22 September 2023.

Resolution (CO2023/134)

That Council:

1. Note the unconfirmed meeting minutes of the Audit & Risk Committee meeting that was held on the 23 June 2023 before presentation to the Audit and Risk Committee for confirmation at its scheduled meeting for 22 September 2023.

Moved: Cr Peter Dimarelos

Seconded: Cr Elizabeth Nealy

CARRIED

3.5 AUDIT & RISK COMMITTEE - RE-APPOINTMENT OF INDEPENDENT REPRESENTATIVE MEMBER

SUMMARY

1. Each Council must establish an Audit & Risk Committee (the Committee) in accordance with the Local Government Act 2020. Each Committee must adopt a Charter. The Charter sets out how the Committee will operate including the membership and terms of appointment. At Banyule, the Committee is made up of five members appointed by Council, three of whom must be independent representative members.
2. Mr Greg Rimmer-Hollyman has been an Independent Representative on the Committee since 1 September 2020 with the first term concluding on 31 August 2023.
3. As outlined in the Committee Charter, Independent Representatives may be re-appointed for a further term but will not be appointed for more than two consecutive terms.
4. Since his appointment, Mr Rimmer-Hollyman has showed a detailed understanding of the entity's business, displayed the ability to act objectively and independently and made a constructive contribution to the work of the committee. He has a good understanding of the internal audit function and Risk part of the role.
5. This report seeks to review the appointment term for Mr Greg Rimmer-Hollyman, Independent Representative, on the Committee.

RECOMMENDATION

That Council re-appoint Mr Greg Rimmer-Hollyman as an Independent Representative on Council's Audit & Risk Committee for a further period of 3 years effective from 1 September 2023 and concluding 31 August 2026.

Resolution (CO2023/135)

That Council re-appoint Mr Greg Rimmer-Hollyman as an Independent Representative on Council's Audit & Risk Committee for a further period of 3 years effective from 1 September 2023 and concluding 31 August 2026.

Moved: Cr Peter Dimarelos
Seconded: Cr Peter Castaldo

CARRIED

3.6 AWARDING OF CONTRACT NO.1293-2023 PROVISION OF AIR CONDITIONING & MECHANICAL SERVICES MAINTENANCE.

SUMMARY

1. This report is to consider the awarding of Contract No. 1293-2023 for the Provision of Air Conditioning & Mechanical Services Maintenance.
2. Council delivers a range of services to its facilities and assets to support their lifecycle and presentation, via building maintenance, planned projects, and capital works. The Air Conditioning contract forms one of the key services undertaking these works.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to JPC Air Conditioning Pty Ltd – trading as ASM Chilltech, in accordance with the tender and conditions as determined by Council.

4. Tenders were received from eight companies.
5. The contract will commence 1 September 2023. The Initial Contract Term shall be for a maximum initial period of two (2) years with the option to extend for further periods of any duration up to a maximum extension period of three (3) years based on satisfactory performance and meeting Council objectives.

RECOMMENDATION

That Council:

1. Award Contract No. No.1293-2023 - for Provision of Air Conditioning & Mechanical Services Maintenance on Council Facilities and Assets, for the initial two (2) year term commencing 1 September 2023, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to JPC Air Conditioning 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 two (2) year contract term and extension periods.

Resolution (CO2023/136)

That Council:

1. Award Contract No. No.1293-2023 - for Provision of Air Conditioning & Mechanical Services Maintenance on Council Facilities and Assets, for the initial two (2) year term commencing 1 September 2023, with the option to extend on a yearly basis for a maximum period of three (3) additional years, to JPC Air Conditioning 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 two (2) year contract term and extension periods.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

3.7 AWARD OF CONTRACTS 1295A-2023 RECONSTRUCTION OF WARRINGAL PARK OVAL AND 1295B-2023 RECONSTRUCTION OF FORD PARK NORTH OVAL**SUMMARY**

1. This report is to consider the awarding of Contract No. 1295A-2023 Reconstruction of Warringal Park Oval and Contract No. 1295B-2023 Reconstruction of Ford Park North Oval.
2. The Tender Evaluation Panel (TEP) has recommended awarding Contract No 1295A-2023 to Evergreen Turf Group Pty Ltd and Contract No 1295B-2023 to Green Turf Pty Ltd in accordance with the tender and conditions as determined by Council.
3. Tenders were received from nine (9) companies however one was non-conforming.
4. The contracts will commence upon award of the contract.

RECOMMENDATION

That Council:

1. Award Contract No. 1295A-2023 Reconstruction of Warringal Park Oval to Evergreen Turf Group Pty Ltd for \$1,926,839.00 (ex. G.S.T).
2. Award Contract No. 1295B-2023 Reconstruction of Ford Park North Oval to Green Turf Pty Ltd for \$1,635,841.50 (ex. G.S.T).
1. 3. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

Resolution (CO2023/137)

That Council:

1. Award Contract No. 1295A-2023 Reconstruction of Warringal Park Oval to Evergreen Turf Group Pty Ltd for \$1,926,839.00 (ex. G.S.T).
2. Award Contract No. 1295B-2023 Reconstruction of Ford Park North Oval to Green Turf Pty Ltd for \$1,635,841.50 (ex. G.S.T).
2. 3. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

Moved: Cr Tom Melican

Seconded: Cr Peter Dimarelos

CARRIED

4. OUR INCLUSIVE AND CONNECTED COMMUNITY

4.1 BANYULE YOUTH SUMMIT REPORT 2023

SUMMARY

1. The Banyule Youth Summit provides young people the opportunity to communicate their issues of concern directly to Council and to propose recommendations for change. It is a biennial event hosted by Banyule City Council to engage with young people in discussions that identify issues important in their lives. The Youth Summit model comprises a two-year cycle as follows:
Year 1 - the preparation and delivery of the Youth Summit and key recommendations.
Year 2 - implementation of the key recommendations with the delivery of a Report Card to the community and a report to Council on the work undertaken and achieved.
2. On May 25th, 2023, the fifth Banyule Youth Summit was held at the Heidelberg Golf Club. 100 young people from secondary schools in and around Banyule participated to discuss issues identified by themselves and their peers during pre-Summit workshops facilitated by Council's Youth Services team. A diverse representation of young people attended including those with disabilities, young LGTBQIA+ people and young people from various cultural backgrounds including Somali-Australian and First Nations young people.
3. The topics discussed included mental health, climate change, gender equality, masculinity, alcohol and other drugs, neurodiversity, body image, LGTBQIA+, cultural inclusion, disability inclusion and issues specific to Somali-Australian young people. Young people worked collectively to devise a desired outcome for each issue. Following on from this, several possible strategies were proposed and presented.
4. The Banyule Youth team will continue to work with young people and stakeholders to deliver the recommendations in time for the 2024 Youth Summit Report Card.

RECOMMENDATION

That Council:

1. Adopts the 2023 Banyule Youth Summit report.
2. Acknowledges the young people who attended the 2023 Banyule Youth Summit and thanks them for their contribution.

Resolution (CO2023/138)

That Council:

1. Adopts the 2023 Banyule Youth Summit report.
2. Acknowledges the young people who attended the 2023 Banyule Youth Summit and thanks them for their contribution.

Moved: Cr Elizabeth Nealy
Seconded: Cr Tom Melican

CARRIED

4.2 ADVISORY AND POPULATION COMMITTEES REPORT - APRIL - JUNE 2023**SUMMARY**

1. Banyule City Council currently has eight (8) Advisory and Population Committees that are made up of Councillors and Community members.
2. There are four (4) advisory committees (Reconciliation Action Plan, Arts & Culture, Environment and Climate Action and Inclusive Banyule) and four (4) population committees (Age Friendly, LGBTIQ+, Multicultural, Disability and Inclusion). The four population committees and RAP Advisory Committee provide advice to the Inclusive Banyule Advisory Committee.
3. They have set terms of references (TOR) and meet to discuss relevant issues, provide recommendations to Council on specific matters based on the committee's purpose and objectives, and oversee the implementation of Council's strategic plan for their respective focus.
4. Advisory and Population Committees provide important linkages between Council, Community, State agencies and interest groups. Following each advisory committee meeting, a report is submitted to Council to note the minutes from the committee meetings held during that previous period (for this period it is 1 April – 30 June 2023) and to draw attention to specific recommendations that each advisory committee wishes to bring to the attention of Council.
5. Where there have been actions requested or recommendations made by the committee, officer comments have been provided in the report.
6. Where there may be resource, workforce or project implications recommendations call for a further report to be presented back to Council or to the Committee on the impacts of such.
7. The following minutes are presented to Council for noting and are attached to the body of this report.
 - Inclusive Banyule Advisory Committee – Meeting held on 10 May 2023
 - Reconciliation Action Plan Advisory Committee – Meeting held on 12 April 2023 and 14 June 2023
 - Banyule Arts and Culture Advisory Committee – Meeting held on 4 May 2023
 - Banyule Environment and Climate Action Committee – Meeting held on 9 June 2023
 - Multicultural Committee – Meeting held on 3 May 2023 and 21 June 2023
 - Banyule Disability and Inclusion Committee – Meeting held on 26 April 2023 and 28 June 2023
 - LGBTIQ+ Committee – Meeting held on 13 April 2023 and 15 June 2023
 - Age Friendly Committee – Meeting held on 25 May 2023

RECOMMENDATION

That Council:

1. Notes the following meeting minutes and reports:
 - Inclusive Banyule Advisory Committee – Meeting held on 10 May 2023

- Reconciliation Action Plan (RAP) Advisory Committee – Meeting held on 12 April 2023 and 14 June 2023
 - Banyule Arts and Culture Advisory Committee – Meeting held on 4 May 2023
 - Banyule Environment and Climate Action Committee – Meeting held on 9 June 2023
 - Multicultural Committee – Meeting held on 3 May 2023 and 21 June 2023
 - Banyule Disability and Inclusion Committee – Meeting held on 26 April 2023 and 28 June 2023
 - LGBTIQ+ Committee – Meeting held on 13 April 2023 and 15 June 2023
 - Age Friendly Committee – Meeting held on 25 May 2023
2. Note that Banyule’s Reconciliation Advisory Committee (RAP) recommend that Council consider no longer hosting citizenship ceremonies on January 26.
 3. In line with recommendation 2, request officers prepare a further report on considering options for Citizenship Ceremonies hosted on alternative dates to January 26.
 4. Note that Banyule’s Arts and Culture Advisory Committee recommended to endorse the proposed acquisitions for addition to the Banyule City Council art collection. Noting that a report regarding the *Banyule Art Collection – Recommendation to Acquire New Art Works* was submitted and endorsed by Council at the 29 May 2023 Council Meeting.
 5. Note the Disability and Inclusion Committee recommends that Council makes a submission to the Australian Bureau of Statistics by 28 April 2023 in support of the adoption of the ABS 2020 Standard for Sex, Gender, Variations of sex characteristics, gender identity and intersex.
 6. In line with recommendation 5, note that this Committee recommendation is retrospective and was completed on 27 April 2023 utilising Officer delegation.
 7. Note the Disability and Inclusion Committee recommends that Council raise the Disability Pride Flag at the Greensborough and Ivanhoe Customer Service Centre sites throughout the month of July 2023 and communicates to the community about the significance of this flag.
 8. In line with recommendation 7, notes that this Committee recommendation is retrospective and was completed in July 2023 utilising Council’s existing Flag Protocol and Policy.
 9. Note the LGBTIQ+ Committee recommends that Council require all sporting clubs to display the Banyule Diversity Statement on their websites and is highly visible within club premises and this should be a requirement contained within lease and seasonal allocation agreements. In addition, Council needs to ensure education is provided to clubs to build culture of inclusion.
 10. In line with recommendation 9, request officers prepare a report to outline the process for embedding inclusion in sporting clubs across Banyule for consideration that will include the potential costings and administrative requirements to facilitate the display of the diversity statement on websites and in clubrooms.

Resolution (CO2023/139)

That Council:

1. Notes the following meeting minutes and reports:
 - Inclusive Banyule Advisory Committee – Meeting held on 10 May 2023
 - Reconciliation Action Plan (RAP) Advisory Committee – Meeting held on 12 April 2023 and 14 June 2023
 - Banyule Arts and Culture Advisory Committee – Meeting held on 4 May 2023
 - Banyule Environment and Climate Action Committee – Meeting held on 9 June 2023
 - Multicultural Committee – Meeting held on 3 May 2023 and 21 June 2023
 - Banyule Disability and Inclusion Committee – Meeting held on 26 April 2023 and 28 June 2023
 - LGBTIQA+ Committee – Meeting held on 13 April 2023 and 15 June 2023
 - Age Friendly Committee – Meeting held on 25 May 2023
2. Note that Banyule's Reconciliation Advisory Committee (RAP) recommend that Council consider no longer hosting citizenship ceremonies on January 26.
3. In line with recommendation 2, request officers prepare a further report on considering options for Citizenship Ceremonies hosted on alternative dates to January 26.
4. Note that Banyule's Arts and Culture Advisory Committee recommended to endorse the proposed acquisitions for addition to the Banyule City Council art collection. Noting that a report regarding the *Banyule Art Collection – Recommendation to Acquire New Art Works* was submitted and endorsed by Council at the 29 May 2023 Council Meeting.
5. Note the LGBTIQA+ Population Committee recommends that Council makes a submission to the Australian Bureau of Statistics by 28 April 2023 in support of the adoption of the ABS 2020 Standard for Sex, Gender, Variations of sex characteristics, gender identity and intersex.
6. In line with recommendation 5, note that this Committee recommendation is retrospective and was completed on 27 April 2023 utilising Officer delegation.
7. Note the Disability and Inclusion Committee recommends that Council raise the Disability Pride Flag at the Greensborough and Ivanhoe Customer Service Centre sites throughout the month of July 2023 and communicates to the community about the significance of this flag.
8. In line with recommendation 7, notes that this Committee recommendation is retrospective and was completed in July 2023 utilising Council's existing Flag Protocol and Policy.

9. Note the LGBTQIA+ Committee recommends that Council require all sporting clubs to display the Banyule Diversity Statement on their websites and is highly visible within club premises and this should be a requirement contained within lease and seasonal allocation agreements. In addition, Council needs to ensure education is provided to clubs to build culture of inclusion.
10. In line with recommendation 9, request officers prepare a report to outline the process for embedding inclusion in sporting clubs across Banyule for consideration that will include the potential costings and administrative requirements to facilitate the display of the diversity statement on websites and in clubrooms.

Moved: Cr Elizabeth Nealy
Seconded: Cr Tom Melican

CARRIED

4.3 POPULATION AND ADVISORY COMMITTEE ANNUAL ACHIEVEMENT REPORT 2023

SUMMARY

1. Over the past three (3) decades, Council has received community advice from residents through committees. Whilst the focus and structure of the committees have changed considerably over time, Council continues to derive benefit from these interactions.
2. In May 2021, Council adopted a new committee structure to include four (4) advisory committees (Reconciliation Action Plan, Arts & Culture, Environment and Climate Action and Inclusive Banyule) and four (4) population committees (Age Friendly, LGBTQIA+, Multicultural, Disability and Inclusion). The four (4) population committees and RAP Advisory Committee provide advice to the Inclusive Banyule Advisory Committee.
3. The purpose and objectives of each committee are outlined by a Terms of Reference.
4. Across the eight (8) committees, there are a maximum of 123 members and in June 2023, there were 97 sitting members. Over a total of 40 committee meetings between the July 2022 and June 2023, there was an average attendance rate of 66%.
5. The Advisory and Population Committees Annual Achievement Report (**Attachment 1**) describes 42 key achievements and 19 recommendations to Council for consideration.
6. The Report also provides an overview of continuous improvement initiatives and results from the 2023 committee member survey.
7. The Inclusive Banyule Advisory Committee first met in November 2021 for the purpose of overseeing the implementation of the Inclusive Banyule Plan and providing a coordination function for Banyule's population committees. Over the last 12 months this committee has progressed critical conversations on key community issues including social and affordable housing and mental health supports.

RECOMMENDATION

That Council:

1. Receives the Advisory and Population Committee Annual Achievement Report 2023.

2. Acknowledges and thanks the Advisory and Population Committees for their time and contributions.

Resolution (CO2023/140)

That Council:

1. Receives the Advisory and Population Committee Annual Achievement Report 2023.
2. Acknowledges and thanks the Advisory and Population Committees for their time and contributions.

Moved: Cr Elizabeth Nealy
Seconded: Cr Tom Melican

CARRIED

4.4 EXTENSION OF ADVISORY AND POPULATION COMMITTEE TERMS

SUMMARY

1. Advisory and Population Committees are established by a Council resolution to focus on matters that relate to their Terms of Reference and roles and responsibilities and make recommendations to Council for consideration accordingly.
2. Advisory and Population Committees do not have decision making authority and are made up of members who represent people of particular cohorts within the Community.
3. At the 24 May 2021 Council Meeting, Council's advisory committees were reviewed and a new committee structure, consisting of eight (8) established advisory and population committees, was endorsed, CO2021/98.
4. Four (4) committees were designated advisory committee status: Reconciliation Action Plan (RAP); Environment and Climate Action; Arts and Culture; and Inclusive Banyule.
5. Four (4) committees were designated population committee status, being Disability and Inclusion; Age-friendly; Multicultural; LGBTIQ+.
6. In July 2021, eight (8) committees were inducted in line with updated Terms of Reference.
7. The Committees meet as per their terms of reference and a Councillor delegate is appointed to support the Committee at each Mayoral Election Statutory Council Meeting for a one-year period, or as otherwise resolved.
8. The current membership term of all the Committees expired at the end of June 2023.
9. On 8 December 2022, the Inclusive Banyule Advisory Committee recommended Council "align the terms of the advisory and population committees to align with Councillor mayoral term".
10. At the 27 February 2023 Council Meeting, Council noted the recommendation from the Inclusive Banyule Advisory Committee to align the current committee terms to Mayoral election cycle (CO2023/20).
11. Extension of the current committee term will re-establish the committees to be aligned with the general Council election cycle in November 2024.
12. Committees are reviewed by Councillors at the start of each Council term. At this point, Councillors can determine the structure and purpose of committees. Once a committee structure is determined, the Terms of References for each committee will be presented to Council for endorsement.

13. Next steps include notifying all committee members of Council's decision on extension of committee terms and invite members to continue membership to 20 September 2024.

RECOMMENDATION

That Council:

1. Extend the eight (8) established population and advisory committee's membership terms from 30 June 2023 to 20 September 2024, a period of fifteen months.
2. Notify committee members of the extension of committee terms to 20 September 2024 and invite members to continue membership to 20 September 2024.

Resolution (CO2023/141)

That Council:

1. Extend the eight (8) established population and advisory committee's membership terms from 30 June 2023 to 20 September 2024, a period of fifteen months.
2. Notify committee members of the extension of committee terms to 20 September 2024 and invite members to continue membership to 20 September 2024.

Moved: Cr Elizabeth Nealy
Seconded: Cr Tom Melican

CARRIED

4.5 HONORARIUMS OPTIONS FOR BANYULE POPULATION COMMITTEES

Kevan Hill from Banyule Ratepayers Action Group addressed Council in person and was speaking AGAINST the Officer recommendation

SUMMARY

1. On 5th September 2022, Council resolved to receive a report to consider the remuneration options of Advisory and Population Committee members. This report responds to that recommendation.
2. Research has revealed that there is no consistent national, state, or local approach on remuneration or honorariums for people with lived experiences on committees.
3. Between February and April 2023, Officers consulted with members with lived experience representing the Multicultural, LGBTIQ+, Disability and Inclusion and Age-Friendly Committees, to ascertain their views on receiving a sitting fee for participation in committee meetings.
4. Feedback indicates these committee members prefer a range of options to recognise their contributions, as noted in the detail of this report.
5. Whilst the Arts and Culture Advisory Committee and the Environment and Climate Action Advisory Committee members are not necessarily engaged based on identity, these committee members also share with Council their lived experience, hence are included in the recommendations contained within this report.
6. Based on current membership caps, additional honorariums could be offered to 79 members and the indicative annual cost is \$8,000 per annum. Council is asked to allocate funding to cover the additional costs.

7. The Reconciliation Action Plan Advisory Committee currently has a remuneration process in practice. The agreed remuneration amount currently in place would remain unchanged but would move to an annual payment.
8. This recommendation does not extend to committee members who hold membership as part of their professional roles and are paid to attend by their employees.

RECOMMENDATION

That Council:

1. Resolves to offer Banyule's Advisory and Population committee members an honorarium, and the honorarium options are to include:
 - a. A sitting fee of \$100 per year
 - b. A Shop Local voucher to the value of \$100 per year
 - c. Multi-pass entry at a Council leisure facility
 - d. A donation of \$200 per committee term period (two (2) years) to a local service support organisation or the Banyule Community Fund
 - e. No honorarium
2. Resolves that, in line with clause 4.2 of the committee's Terms of Reference, attendance of members at 60% of scheduled annual meetings is required before honorariums are issued, except in exceptional circumstances. Honorariums will be administered on an annual basis within an agreed period.
3. Notes that the Reconciliation Action Plan Advisory Committee sitting fee of \$60 per meeting will stand as per the Terms of Reference and an alternative to receiving a sitting fee, members of the RAP Advisory Committee can choose an alternative honorarium (1b-d), with value of the donation or gift voucher commensurate with current sitting fee.
4. Notes Reconciliation Action Plan Advisory Committee sitting fee costs are already accommodated within the existing operational budget.
5. Approves an additional allocation of \$8,000 in the annual operating budget to fund honorarium recommendations contained in this report.

Resolution (CO2023/142)

That Council:

1. Resolves to offer Banyule's Advisory and Population committee members an honorarium, and the honorarium options are to include:
 - a. A sitting fee of \$100 per year
 - b. A Shop Local voucher to the value of \$100 per year
 - c. Multi-pass entry at a Council leisure facility
 - d. A donation of \$200 per committee term period (two (2) years) to a local service support organisation or the Banyule Community Fund
 - e. No honorarium
2. Resolves that, in line with clause 4.2 of the committee's Terms of Reference, attendance of members at 60% of scheduled annual meetings is required before

honorariums are issued, except in exceptional circumstances. Honorariums will be administered on an annual basis within an agreed period.

3. Notes that the Reconciliation Action Plan Advisory Committee sitting fee of \$60 per meeting will stand as per the Terms of Reference and an alternative to receiving a sitting fee, members of the RAP Advisory Committee can choose an alternative honorarium (1b-d), with value of the donation or gift voucher commensurate with current sitting fee.
4. Notes Reconciliation Action Plan Advisory Committee sitting fee costs are already accommodated within the existing operational budget.
5. Approves an additional allocation of \$8,000 in the annual operating budget to fund honorarium recommendations contained in this report.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

4.6 7 WELLINGTON STREET MONTMORENCY - COMMUNITY HUB EXPRESSION OF INTEREST PROCESS

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

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

A written statement was read out on behalf of Liesel Green by Darren Bennett. Liesel was AGAINST the Officer recommendation

SUMMARY

1. The Community Infrastructure Plan 2023-2033 (CIP) that was adopted by Council at the 26 June 2023 Council meeting identified the need for a Neighbourhood House or community hub facility in the Montmorency local area.
2. The Montmorency Community Hub was being operated by a community group at 1-3 Mountain View Road, Montmorency. However due to funding issues the Hub building has now been sold and they vacated this site in June 2023, leaving Montmorency with no local community hub.
3. At the 20 March 2023 Confidential Council meeting, Council resolved to acquire the land parcel known as 7 Wellington Street Montmorency.
4. This site was purchased by Council in April 2023 as a strategic land acquisition.
5. Based on the identified infrastructure and service need, it is proposed that the newly acquired site at 7 Wellington Street Montmorency is utilised as a Community Hub facility to support the local Montmorency community.
6. To achieve this, an expression of interest (Eoi) is to be advertised to operate a neighbourhood house/Community Hub at the 7 Wellington Street site in a fair and transparent process. The lease to be offered to use the 7 Wellington Street site will be in line with the other Neighbourhood Houses across Banyule.

7. Neighbourhood House Funding is offered through the Department of Families, Fairness and Housing (DFFH) and there are currently no plans for any funding round opportunities in the near future. Therefore there is no recurrent funding available to operate any future Community Hub facility, and the successful provider from the Eol process will need to be able to operate the site outside of the Neighbourhood House funding model.
8. The successful provider may be required to be a signatory to the Neighbourhood House Partnership Framework.
9. The site at 7 Wellington Street Montmorency requires modifications to make it fit for purpose for a Community Hub (Confidential attachment 1). An architect will be appointed to oversee the required design works and project management.
10. It is proposed that the Eol process is advertised mid-August 2023 for a six (6) week period with finalisation of the successful provider to be endorsed by December 2023.
11. Initial planning for the modification requirements will commence in August 2023 with the successful provider providing input post endorsement of their Eol.

RECOMMENDATION

That Council:

1. Endorse the use of the site at 7 Wellington Street Montmorency as a Community Hub.
2. Endorse an Expression of Interest process for not-for-profit provider to operate a Community Hub at 7 Wellington Street Montmorency.
3. Endorses the allocation of \$30,000 to appoint an architect to complete modification designs, quantity surveyor report and cost estimate in collaboration with the preferred service provider.
4. Endorses the allocation of \$10,000 to maintain the property lawns and garden until future use is resolved.
5. Notes the confidential 7 Wellington Street Montmorency Modifications Document at Attachment 1 to this report.
6. Notes that a report will be presented to Council upon the finalisation of the Expression of Interest process, seeking Council endorsement of the successful provider, the signing of the Lease Agreement and Funding Agreement, future capital improvements needed to activate the space for community use and any other associated documents in line with all current Neighbourhood House Lease Agreements until 30 June 2026.

Resolution (CO2023/143)

That Council:

1. Endorse the use of the site at 7 Wellington Street Montmorency as a Community Hub.
2. Endorse an Expression of Interest process for not-for-profit provider to operate a Community Hub at 7 Wellington Street Montmorency.
3. Endorses the allocation of \$30,000 to appoint an architect to complete modification designs, quantity surveyor report and cost estimate in collaboration with the preferred service provider.

4. Endorses the allocation of \$10,000 to maintain the property lawns and garden until future use is resolved.
5. Notes the confidential 7 Wellington Street Montmorency Modifications Document at Attachment 1 to this report.
6. Notes that a report will be presented to Council upon the finalisation of the Expression of Interest process, seeking Council endorsement of the successful provider, the signing of the Lease Agreement and Funding Agreement, future capital improvements needed to activate the space for community use and any other associated documents in line with all current Neighbourhood House Lease Agreements until 30 June 2026.

Moved: Cr Elizabeth Nealy
Seconded: Cr Rick Garotti

CARRIED

5. OUR SUSTAINABLE ENVIRONMENT

Nil

6. OUR WELL-BUILT CITY

6.1 DRAFT HERITAGE STRATEGY 2023-2033

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

Robyn Roberts on behalf of Banyule Planning Network addressed Council in person and was speaking AGAINST the Officer recommendation

Jane Crone addressed Council in person and was speaking AGAINST the Officer recommendation

SUMMARY

1. The purpose of this report is to seek Council's endorsement of the draft Banyule Heritage Strategy 2023-2033 for community consultation.
2. Council has an important role and responsibility to identify, protect, maintain and celebrate Banyule's rich and diverse local heritage. This includes natural, Aboriginal, cultural and built heritage.
3. The draft Strategy has been prepared to guide Council's heritage work program over the next 10 years (**Attachment 1**).
4. The draft Strategy sets out clear strategic directions and actions against the four key themes of 'Knowing', 'Protecting', 'Supporting' and 'Promoting & Celebrating' our heritage.
5. Community consultation on the draft Strategy is planned to run from 21 August to 22 September 2023 and will include community information sessions and an online survey on Shaping Banyule.

6. Following consultation, the Strategy will be updated to incorporate community feedback and a final Strategy prepared for Council to consider and adopt later in the year.

RECOMMENDATION

That Council:

1. Endorse the draft Banyule Heritage Strategy 2023-2033 for community consultation.

Resolution (CO2023/144)

That Council:

1. Endorse the draft Banyule Heritage Strategy 2023-2033 for community consultation and expand the consultation period until 22nd October 2023 to allow for more time for the community to participate.

Moved: Cr Elizabeth Nealy
Seconded: Cr Tom Melican

CARRIED

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

Councillor Rick Garotti declared a material conflict of interest left the Chamber at 07.33pm

Councillor Garotti returned to the Chamber at 08.34 pm and was not present for the vote.

Suzanne Berry addressed Council in person and was speaking AGAINST the Officer recommendation.

Steve Plako addressed Council in person and was speaking AGAINST the Officer recommendation

Tegan Whiticker addressed Council in person and was speaking AGAINST the Officer recommendation

Mary Macon addressed Council in person and was speaking AGAINST the Officer recommendation

Neza Kormanic addressed Council in person and was speaking AGAINST the Officer recommendation

Leigh-Anne Perillo addressed Council in person and was speaking AGAINST the Officer recommendation

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

John Bahoric addressed Council in person and was speaking AGAINST the Officer recommendation

Anthony Mutton from Mayflower addressed Council in person and was speaking FOR the Officer recommendation

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

Matthew Packwood addressed Council in person and was speaking AGAINST the Officer recommendation

SUMMARY

1. The proposal detailed in this report is for a residential aged care development, including various accommodation and community-based facilities resulting in a total of 230 beds. Permission is also sought to remove two (2) easements and sixteen (16) protected trees.
2. The development will replace an existing retirement village comprising forty-four (44) units and support services, and a recently demolished three (3) storey aged care building containing 50 rooms and 26 nursing ward beds, constructed in the late 1970s. The proposal seeks to provide modern services and accommodation suitable for residents with varying care needs which are not currently available on site.
3. The design is assessed against the purpose and requirements of the Residential Aged Care Facility planning provision at Clause 53.17 of the Banyule Planning Scheme.
4. The application has been placed on public notification twice, including most recently in May 2023 during which a public information session was hosted. A total of 207 objections have been received to date on various grounds, however the most common issues raised include overdevelopment, buildings not in character with the area, parking and traffic concerns and vegetation removal.
5. The application was included on the 17 July 2023 Council meeting agenda, however the item was resolved to be deferred to the 7 August 2023 Council meeting to enable facilitation of consultation by representatives of the Development Planning team between the applicant and representation of objector parties.
6. It is considered that the proposed development strikes an acceptable balance between competing policy objectives which support aged care development in appropriate settings, but having regard to neighbourhood character, landscape, vegetation, traffic, and parking considerations. The proposal should be supported subject to permit conditions.

RECOMMENDATION

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

General plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form

part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the amended plans submitted 1 December 2022 but modified to show:

- (a) The IRCF2 roof plant re-located to be central to the building and appropriately screened and treated to reduce noise emission;
- (b) The IRCF1 roof plant screen detail, including material and finishes;
- (c) The black/charcoal cement cladding proposed to all buildings replaced with a lighter muted tone, such as grey or brown, and the building facades designed to include natural timber elements;
- (d) The north-east upper-level windows of accommodation Type '3D' facing No. 33 Thornton Street to be obscured up to 1.7 metres above finished floor level;
- (e) The height, materials and finishes of all proposed retaining walls;
- (f) The substation area setback three metres from Highview Crescent to allow for landscaping and screening to the satisfaction of the Responsible Authority;
- (g) The fire booster cabinet and water meter assembly adjacent to Glenmore Street to be dimensioned and finished in a muted tone;
- (h) Further details of the hydrant booster adjacent to Highview Crescent, including height and appearance;
- (i) All hydrant cupboards and electrical boards to be finished in a muted tone;
- (j) IRCF1 and IRCF2 bin room detail to include:
 - a. Hard waste storage areas;
 - b. Bumper rails fitted to walls;
 - c. Sink for mops;
 - d. Pathway from bin room to truck collection point to be flat;
- (k) The proposed pedestrian connection from Broadford Crescent to the Cherry Street reserve to be no less than 3 metres wide;
- (l) New bus stop detail in accordance with Condition 12 of this permit;
- (m) Development Drainage Plans in accordance with Condition 3 of this permit;
- (n) An amended Landscape Plan in accordance with Condition 4 of this permit;
- (o) An amended Waste Management Plan in accordance with Condition 5 of this permit;
- (p) An amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;
- (q) An amended Green Travel Plan in accordance with Condition 7 of this permit;
- (r) An Environmentally Sustainable Development (ESD) drawing in accordance with Condition 8 of this permit;

- (s) A Water Sensitive Urban Design (WSUD) drawing in accordance with Condition 9 of this permit;
- (t) A Tree Protection and Management Plan (TPMP) in accordance with Condition 10 of this permit;
- (u) Tree Preservation Fencing in accordance with Condition 20 of this permit;

Layout Not to Be Altered

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

Development Drainage Plans

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

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

Landscape Plan

- 4. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan prepared by Fitzgerald Frisby Landscape Architecture dated 16 September 2022 but modified to include:
 - (a) Amendments required by Condition 1 of this permit;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - (c) Provision of formed garden beds with edging along the front property boundary and within the front setback to prevent cars parking;

- (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
- (e) An indigenous and/or drought tolerant planting theme;
- (f) A schedule of all proposed trees, shrubs, and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (g) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements, and existing trees;
- (h) Location and details of paving, steps, retaining walls, water tanks, fence design details and other landscape works including cut and fill;
- (i) Location, details, and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainability Management Plan and MUSIC report, with reference to connection details on the engineering plans.

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

Waste Management Plan

- 5. Before the development permitted by this permit commences, an amended Waste Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Leigh Design dated 21 September 2022 but modified to include:
 - (a) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area, collection point;
 - (b) Use of 1100L MGB to reduce collection frequency requirements;
 - (c) Anticipated frequency, hours and duration of collection;

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

Sustainability Management Plan

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

- i. Achieves 'best practice' with a minimum overall score of 55%, including a minimum 50% pass mark in all mandatory categories of Water, Energy, and Indoor Environment Quality, and 100% for Stormwater;
 - ii. Proposes all-electric measures with no natural gas included;
 - iii. Reflects the total average NatHERS across the residential units (e.g. weighted average from modelling provided), or include both average scores (for 'Type 2' and 'Type 3' accommodation respectively);
- (b) NatHERS certificates of a representative sample of dwelling typologies for both 'Type 2' and 'Type 3' accommodation to support the 6.5 and 7.12-star targets outlined in the SMP;
- (c) More details around metering strategy, including extent (e.g. individual dwellings and common areas) and scope (electricity, water, gas, solar etc.);
- (d) EV charging infrastructure to include *cabling* back to the main switchboard (for IRCF1/2 basement) that has a minimum capacity to support Level 2 (Mode 3) (e.g. 11 kW / 16 Amp 3-phase or 7 kW / 32 Amp single phase) to allow the aged care facility to install / provide EV charging at a later date (when demand increases);
- (e) More details within the SMP and Landscape Plan regarding species selection (native, indigenous and drought tolerant) and specific irrigation strategy (e.g., sub-surface drip or hand watered until established);
- (f) Amended wording within the SMP to reflect 16.4% reduction in energy demand for the non-residential component (not 17% as highlighted in the SMP);
- (g) Clarification on whether the basement car park is to be mechanically ventilated with CO monitors or naturally ventilated;
- (h) Clarification of the type of electric cooling system proposed;
- (i) Confirmation of the type of electric hot water system proposed;
- (j) Amended rooftop plan and ESD Drawing to specify the total (minimum) solar PV system size (not indicative);
- (k) Amended 'Type 3 accommodation' design to incorporate an external shading treatment (e.g. eave, awning, blinds, or louvres etc.) for North and West (preferably operable) facing glazing elements to habitable rooms that are not shaded by a retaining wall. Provide amended elevations or cross-section details to illustrate;
- (l) Amended IRCF2 building design to include an external shading treatment for exposed bedrooms on the north-west and north-east facades. Provide amended elevations or cross-section details to illustrate;

- (m) Amended discrepancies in the stormwater strategy, including clearly demonstrating which buildings are connected to rainwater tanks;
- (n) Consideration to revise stormwater strategy to include rainwater tanks for the 'Type 3' accommodation – individually or in a similar cluster – to reduce the reliance on raingardens for stormwater quality;
- (o) Consideration to increase the size of the rainwater tank to service toilet flushing throughout IRCF1 or IRCF2 (or both) and to reduce the reliance on raingardens for stormwater quality;
- (p) A revised plan (as on page 31) detailing collective raingarden areas, and a detailed plan of the 55 sqm raingarden (either as part of the stormwater strategy or within the Landscape Plan) to support its design;
- (q) The full daylight assessment summarised in appendix C (SMP, p. 38);
- (r) Clarification of the extent of double glazing throughout the development (given the credit was not claimed in BESS), through a statement within the SMP of revised elevations;
- (s) Clarification of misalignment in bicycle parking between BESS/SMP and plans and amend documentation accordingly;
- (t) Clarification of provision and location of end-of-trip facilities as per the BESS Report and amend plans accordingly;
- (u) Amended construction waste commitment to include a target to re-use or recycle (min) 80% of demolition and construction waste and include within procurement requirements for waste contractor;
- (v) Amended language within materials section (removing phrases such as 'where possible) to outline firm commitments (e.g. % by cost / weight);
- (w) Amended Landscape Plan (with annotation or symbols) to clearly identify food producing areas to align with BESS commitments (46 sqm for apartments, 24 sqm for office and 127 sqm for public building);
- (x) A statement as to how the design has/will contribute to urban heat mitigation – replace roofing with 'cool' alternatives (Maximum SA of 0.70 / minimum SRI of 0.45), and consider increasing climbing vegetation to shield dark external elements from direct sunlight;
- (y) Clarification of strategy to reduce embodied carbon of concrete (through portland cement reduction) and steel (through responsible steel maker and reductions where possible);
- (z) Clarification of best-practice approach to use of PVC materials or alternatives;

Green Travel Plan

7. Before the development permitted by this permit commences, an amended Green Travel Plan (GTP) must be submitted to and approved by the Responsible Authority. The GTP must be prepared by a suitably qualified environmental and traffic engineer or consultant. When approved, the amended GTP will be endorsed and will form part of this permit. The GTP must be generally in accordance with the GTP prepared by Patrick Phelan, ESD Consultant dated 19/09/2022 but modified to include (but not limited to):
- (a) A definition of 'sustainable travel' within the introduction that includes a transition towards electric and low emissions vehicles, active commuting and public transportation;
 - (b) Updated timelines for objectives and targets to align with delivery and operation of the development;
 - (c) An additional column within the actions table to include a 'target date' (and not just 'ongoing') for the proposed actions;
 - (d) Actions relating to electric vehicle charging and support for low emissions vehicles within the development;
 - (e) Identification of key physical actions which are to be included on the ESD Drawing and plans (i.e., bicycle parking pedestrian pathways);
 - (f) Identification of confirmed or proposed car-share parking locations and actions for applying for and installing these;
 - (g) Amended review period to be annual (and not just 'in a consistent way') and indication of who is responsible for conducting annual review of the GTP.

Environmentally Sustainable Development (ESD) Drawing

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

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

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

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

- viii. The Heating System type and energy rating;
- ix. The Cooling System type and energy rating;
- x. Clotheslines and locations;
- xi. External Lighting including Motion Detectors in their respective locations;
- xii. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- xiii. Cross-flow ventilation breeze paths annotated for each habitable room (bedrooms and living spaces), demonstrating compliance as per BESS requirements;
- xiv. The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- xv. The location and depth of external fixed horizontal overhangs to all north facing windows;
- xvi. Section details of external fixed horizontal overhangs to all north facing demonstrating an appropriate shading angle for blocking unwanted summer sun for Melbourne to the satisfaction of the Responsible Authority;
- xvii. The location and shading type of adjustable external shading to all east and west facing windows;
- xviii. Secure bicycle parking storage spaces location and type of storage system;
- xix. Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity to support Level 2 (Mode 3) EV charging (e.g. 11 kW / 16 Amp 3-phase or 7 kW / 32 Amp single phase);
- xx. On-site Food and Garden Waste management facilities both external (compost bins/worm farms, etc) to dwelling and internal in kitchen joinery capable of containing bins for multiple waste streams;
- xxi. Tap and Floor Waste (drain) locations in private open spaces and balconies;
- xxii. Food production areas nominated on plans in open space areas with garden equipment storage facilities nearby;
- xxiii. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70 / minimum Solar Reflective Index (SRI) value of 0.45;
- xxiv. Utility metering provided for all individual residential dwellings;
- xxv. Utility metering provided for all individual commercial tenants;
- xxvi. Separate submetering to all major common area services
- xxvii. Building Systems Water Use Reduction measures to reduce potable water consumption by >80% in the buildings air-conditioning chillers and when testing fire safety systems;
- xxviii. Carpark Ventilation measures either (a) fully naturally ventilated (no mechanical ventilation system) or (b) 40 car spaces or less with Carbon Monoxide monitoring to control the operation and speed of the ventilation fans;
- xxix. Ceiling fans provided to regular use areas;
- xxx. Notation for all paints, sealants and adhesives to meet the maximum total indoor pollutant emission limits;
- xxxi. Notation for all carpet meet the maximum total indoor pollutant emission limits;

- xxxii. Notation for all engineered wood meet the maximum total indoor pollutant emission limits;
- xxxiii. Bicycle Parking location and details;
- xxxiv. Bicycle Visitor Parking location and details;
- xxxv. End of Trip Facilities (showers and lockers) location and details;

WSUD Drawing

9. Before the development permitted by this permit commences, a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. The WSUD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant or architect. When approved, the WSUD Drawing will be endorsed and will form part of this permit. The WSUD Drawing must include:
- (a) All features nominated within the associated SMP, and MUSIC Report identified under Condition 6, as follows:
 - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
 - ii. A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
 - iii. The location, area (m²) and sectional details of raingardens proposed for use in the stormwater drainage system. NB: Where in-ground raingardens or buffer strips are proposed, the grade of driveway must demonstrate that sufficient fall exists to connect to the device/s;
 - iv. The location and type of other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;
 - v. A clear notation of the locations and respective areas (m²) of rooftop catchment areas, trafficable catchment areas, driveways / pathways, permeable pavements, and garden areas that align with MUSIC Model Treatment Train;
 - (b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components, and frequency of maintenance;
 - (c) STORM Report Rating Identifying a 100% pass mark without the use of SQID's, Buffer Strips and Raingardens where possible;
 - (d) An amended STORM Report Rating Identifying a 100% pass mark without the use raingardens where possible; projects are encouraged to prioritise low maintenance initiatives such as rainwater tanks, connected to toilets and laundry;

Tree Protection and Management Plan

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

- (a) The management and maintenance of Trees #1, #18, #25, #30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68;
- (b) A management regime for all trees during the demolition, construction and post construction phases of the development **must cite, include and consider** all Tree Protection measures condition as part of planning permit P58/2021;
- (c) A tree protection plan drawn to scale;
- (d) All tree protection zones and structural root zones to be indicated on the plan;
- (e) The design modifications and specific construction techniques to be implemented to reduce impact on retained trees;
- (f) The types of footings used within tree protection zones which must also be indicated on the plans;
- (g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist;
- (h) The location/design of tree protection fencing for retained trees, mulching/watering requirements and TPZ areas where ground protection systems will be used;
- (i) Tree removal methods for approved vegetation;
- (j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 *Pruning of amenity trees*, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
- (k) Details regarding site access by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees;
- (l) Details and location of all underground services in relation to the TPZ of retained trees. Plans must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the responsible authority;
- (m) Supervision timetable and certification (sign off sheet) of all tree management

activities undertaken by the project Arborist to the satisfaction of the responsible authority;

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

ESD Certification

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

This report must at a minimum include the following:

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

ESD Inspection

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

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

Department of Transport

13. Unless otherwise agreed in writing with the Head, Transport for Victoria before the development starts, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an

electronic copy must be provided. The plans must be generally in accordance with the submitted plans but modified to show:

- a. New/updated bus stop and all associated infrastructure in an agreed location on Highview Crescent outside the development site;
- b. A new shelter and barrier kerb as required;
- c. The bus stop clear of any street furniture and obstacles, and
- d. A design compliant with the Disability Discrimination Act 1992 (Cth);

All to the satisfaction of the Head, Transport for Victoria

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

Notification of Responsible Authority of other matters

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

Development Infrastructure Levy

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

Removal and Replacement of Council Trees – Payment

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

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

Tree Protection

19. Prior to the commencement of any building and/or demolition works, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on the endorsed plans, including Trees #1, #18, #25, #30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68 to the satisfaction of the Responsible Authority:

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

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

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

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

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

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

Construction Management Plan

20. Unless otherwise agreed, prior to the commencement of any works including demolition, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed, the plan must be implemented to the satisfaction of the Responsible Authority and must include:
- (a) Details of measures to be implemented to minimise adverse impacts during the development on environmental values including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on site.
 - (b) Details of measures to be implemented to minimise the generation of sediment on the site, the transport of sediment onto public roads and into drains and waterways and the generation of dust.
 - (c) The designation of tree protection zones for canopy trees to be retained on the land.
 - (d) The location of site offices, security fencing, cranes, off-street vehicle parking for construction and trades employees and construction vehicle routes.
 - (e) Details of the methods to be used for the collection and disposal of construction waste and the storage of construction materials.
 - (f) Details of the hours of construction on the site.

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

- Appropriate location of parking for all tradespersons, to ensure as far as practicable a design and measures for trades vehicles to park on-site where possible. This may include utilisation of basement carparking.
- A sign to be displayed on site at all times advising tradesman to park on the site where practicable and if parking on-street, not to illegally park across any driveway.
- A likely timeframe for construction (including demolition, commencement and any staging).
- Access and egress points for all vehicles to the site.
- Location of construction workers' amenities away from abutting dwellings.

Note:

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

Road Discontinuance/Sale of Land

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

Occupation of Development

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

Car Parking/Access

23. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
24. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose to the satisfaction of the Responsible Authority.
25. Vehicular access or egress to the subject land from any roadway or service lane must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will use the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority prior to occupation of the development. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

Urban Design and Landscaping

26. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
27. Any air-conditioning or cooling units, condensers and the like must not be located on external walls and, if located on balconies, must be screened, to the satisfaction of the Responsible Authority.
28. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
29. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
30. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and

associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

31. Unless otherwise agreed in writing by the Responsible Authority, no vegetation (other than that indicated on the endorsed plan or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Waste Management

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

Maintenance of property

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

Permit Expiry

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

PERMIT NOTES

A. Expiry of Permit

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

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

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

B. Building Permit Required

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

C. Building over Easements

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

D. Drainage Plan Requirements

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

E. Access to Council Reserve

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

F. Completion of Development

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

G. Development Infrastructure Levy

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

H. Memorandum of Consent for Works

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

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

I. Building Site Code of Practice

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

J. Street Numbering

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

Resolution (CO2023/145)

RECOMMENDATION A

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

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the amended plans submitted 1 December 2022 but modified to show:
 - (a) The IRCF2 roof plant re-located to be central to the building and appropriately screened and treated to reduce noise emission in accordance with Condition 34 of this permit;
 - (b) The IRCF1 roof plant screen detail, including material and finishes in accordance with Condition 34 of this permit;
 - (c) Modifications to the elevations and materials and finishes including:
 - (i) The black/charcoal cement cladding proposed to IRCF2 And 'Type 3' buildings replaced with a lighter tone, and the building facades designed to include natural timber elements.
 - (ii) Correction of the materials schedule to show the proposed cladding 'EC1.0' for IRCF1. This should be an appropriate grey tone such as Colorbond 'Wallaby'.
 - (iii) EC5.0 replaced with solid brick that references the brickwork of the aged care building previously located on the site, this may include recycling or repurposing of existing brick work from the site.
 - (iv) Replacement of Colorbond cladding on IRCF1 at ends of building on both sides with brick EC5.0 to break up use of Colorbond at the ends of the building on south-east and north-west elevations commencing from the lounge/dining rooms.
 - (v) Continuation of the brick treatment required in condition 1(c)(iv) so that it wraps both ends of the building to the existing vertical brick feature. Consideration should be given to use of brick placed in chequered formation to provide visual interest. This may include removal of modification of the vertical brick feature and any modification to balustrade and screening materials as appropriate.
 - (vi) The powdercoat steel battens notated as 'SC1' on the 'Type 3' accommodation buildings replaced with natural, hardwood timber or an engineered wood alternative to the satisfaction of the Responsible Authority;
 - (d) The north-east upper-level windows of accommodation Type '3D' facing No. 33 Thornton Street to be obscured up to 1.7 metres above finished floor level;
 - (e) The height, materials and finishes of all proposed retaining walls;

- (f) The substation area setback three metres from Highview Crescent to allow for landscaping and screening to the satisfaction of the Responsible Authority;
- (g) The fire booster cabinet and water meter assembly adjacent to Glenmore Street to be dimensioned and finished in a muted tone;
- (h) Further details of the hydrant booster adjacent to Highview Crescent, including height and appearance;
- (i) All hydrant cupboards and electrical boards to be finished in a muted tone;
- (j) IRCF1 and IRCF2 bin room detail to include:
 - a. Hard waste storage areas;
 - b. Bumper rails fitted to walls;
 - c. Sink for mops;
 - d. Pathway from bin room to truck collection point to be flat;
- (k) The proposed pedestrian connection from Broadford Crescent to the Cherry Street reserve to be no less than 3 metres wide;
- (l) New bus stop detail in accordance with Condition 12 of this permit;
- (m) Development Drainage Plans in accordance with Condition 3 of this permit;
- (n) An amended Landscape Plan in accordance with Condition 4 of this permit;
- (o) An amended Waste Management Plan in accordance with Condition 5 of this permit;
- (p) An amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;
- (q) An amended Green Travel Plan in accordance with Condition 7 of this permit;
- (r) An Environmentally Sustainable Development (ESD) drawing in accordance with Condition 8 of this permit;
- (s) A Water Sensitive Urban Design (WSUD) drawing in accordance with Condition 9 of this permit;
- (t) A Tree Protection and Management Plan (TPMP) in accordance with Condition 10 of this permit;
- (u) Tree Preservation Fencing in accordance with Condition 20 of this permit;
- (v) An Acoustic Report in accordance with Condition 34 of this permit;
- (w) Deletion of the north-east and south-west terraces and paths associated with the IRCF1 building to provide for the screening vegetation required by condition 4 (j);
- (x) Modification to driveway grades associated with garages for 'Type 3' accommodation buildings to minimise the number of 1:8 grades in favour of grades that are less steep than 1:8.

- (y) The IRCF1/IRCF2 basement and porte cochere ramp gradients as specified in the Traffic Impact Assessment prepared by OneMile Grid dated 29 September 2022

Landscape Plan

4. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan prepared by Fitzgerald Frisby Landscape Architecture dated 16 September 2022 but modified to include:
- (a) Amendments required by Condition 1 of this permit;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
 - (c) Provision of formed garden beds with edging along the front property boundary and within the front setback to prevent cars parking;
 - (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
 - (e) An indigenous and/or drought tolerant planting theme;
 - (f) A schedule of all proposed trees, shrubs, and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
 - (g) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements, and existing trees;
 - (h) Location and details of paving, steps, retaining walls, water tanks, fence design details and other landscape works including cut and fill;
 - (i) Location, details, and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainability Management Plan and MUSIC report, with reference to connection details on the engineering plans
 - (j) Provision of screen planting along the south-west and north-east boundaries, with species of appropriate heights when mature, to soften views of the IRCF1 and IRCF 2 buildings from properties to the south-west and north-east boundaries
 - (k) Provision of screen planting, of appropriate heights when mature, to the south-west and north-east of IRCF2 to soften views of the building from Broadford Crescent and Highview Crescent and distant elevated views.
 - (l) Provision of screen planting, along the north-west boundary, of appropriate heights when mature, to soften views of the building from the north-west.

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

Waste Management Plan

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

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

- (a) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area, collection point;
- (b) Use of 1100L MGB to reduce collection frequency requirements;
- (c) Anticipated frequency, hours and duration of collection;
- (d) That collection to only occur between 8am and 6pm Monday-Saturday;
- (e) That collection waste vehicles must park in the basement when collecting from IRCF1 and IRCF2

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

Sustainability Management Plan

6. Before the development permitted by this permit commences, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. When approved, the amended SMP will be endorsed and will form part of this permit. The plan must be generally in accordance with the SMP prepared by Mott Macdonald dated 19.02.2022 but modified to include (but not limited to):

- (a) A BESS Report that:
 - i. Achieves 'best practice' with a minimum overall score of 55%, including a minimum 50% pass mark in all mandatory categories of Water, Energy, and Indoor Environment Quality, and 100% for Stormwater;
 - ii. Proposes all-electric measures with no natural gas included;
 - iii. Reflects the total average NatHERS across the residential units (e.g. weighted average from modelling provided), or include both average scores (for 'Type 2' and 'Type 3' accommodation respectively);
- (b) NatHERS certificates of a representative sample of dwelling typologies for both 'Type 2' and 'Type 3' accommodation to support the 6.5 and 7.12-star targets outlined in the SMP;
- (c) More details around metering strategy, including extent (e.g. individual dwellings and common areas) and scope (electricity, water, gas, solar etc.);
- (d) EV charging infrastructure to include *cabling* back to the main switchboard (for IRCF1/2 basement) that has a minimum capacity to support Level 2 (Mode 3) (e.g. 11 kW / 16 Amp 3-phase or 7 kW / 32 Amp single phase) to allow the aged care facility to install / provide EV charging at a later date (when demand increases);
- (e) More details within the SMP and Landscape Plan regarding species selection (native, indigenous and drought tolerant) and specific irrigation strategy (e.g., sub-surface drip or hand watered until established);
- (f) Amended wording within the SMP to reflect 16.4% reduction in energy demand for the non-residential component (not 17% as highlighted in the SMP);

- (g) Clarification on whether the basement car park is to be mechanically ventilated with CO monitors or naturally ventilated;
- (h) Clarification of the type of electric cooling system proposed;
- (i) Confirmation of the type of electric hot water system proposed;
- (j) Amended rooftop plan and ESD Drawing to specify the total (minimum) solar PV system size (not indicative);
- (k) Amended 'Type 3 accommodation' design to incorporate an external shading treatment (e.g. eave, awning, blinds, or louvres etc.) for North and West (preferably operable) facing glazing elements to habitable rooms that are not shaded by a retaining wall. Provide amended elevations or cross-section details to illustrate;
- (l) Amended IRCF2 building design to include an external shading treatment for exposed bedrooms on the north-west and north-east facades. Provide amended elevations or cross-section details to illustrate;
- (m) Amended discrepancies in the stormwater strategy, including clearly demonstrating which buildings are connected to rainwater tanks;
- (n) Consideration to revise stormwater strategy to include rainwater tanks for the 'Type 3' accommodation – individually or in a similar cluster – to reduce the reliance on raingardens for stormwater quality;
- (o) Consideration to increase the size of the rainwater tank to service toilet flushing throughout IRCF1 or IRCF2 (or both) and to reduce the reliance on raingardens for stormwater quality;
- (p) A revised plan (as on page 31) detailing collective raingarden areas, and a detailed plan of the 55 sqm raingarden (either as part of the stormwater strategy or within the Landscape Plan) to support its design;
- (q) The full daylight assessment summarised in appendix C (SMP, p. 38);
- (r) Clarification of the extent of double glazing throughout the development (given the credit was not claimed in BESS), through a statement within the SMP of revised elevations;
- (s) Clarification of misalignment in bicycle parking between BESS/SMP and plans and amend documentation accordingly;
- (t) Clarification of provision and location of end-of-trip facilities as per the BESS Report and amend plans accordingly;
- (u) Prior to occupation, provide a Compliance Verification Summary or Disclosure Statement from the waste contractor(s) demonstrating that minimum 80% of the demolition and construction waste was diverted from landfill (via reuse and recycling);
- (v) Amended language within materials section (removing phrases such as 'where possible) to outline firm commitments (e.g. % by cost / weight);
- (w) Amended Landscape Plan (with annotation or symbols) to clearly identify food producing areas to align with BESS commitments (46 sqm for apartments, 24 sqm for office and 127 sqm for public building);
- (x) A statement as to how the design has/will contribute to urban heat mitigation – replace roofing with 'cool' alternatives (Maximum SA of 0.70 / minimum SRI of 0.45), and consider increasing climbing vegetation to shield dark external elements from direct sunlight;
- (y) Clarification of strategy to reduce embodied carbon of concrete (through portland cement reduction) and steel (through responsible steel maker and reductions where possible);

- (z) Clarification of best-practice approach to use of PVC materials or alternatives;

Acoustic Report

34. Before the development permitted by this permit commences, an Acoustic Report prepared by a suitably qualified independent acoustic engineer must be submitted to and approved by the Responsible Authority. The report must detail the measures to mitigate noise as follows:
- (a) Measures to mitigate noise from the IRCF1 and IRCF2 roof plant areas, including all screening specifications;
 - (b) Measures to mitigate noise from vehicles accessing the 'Type 3' accommodation upper level garages;

Development Staging Plan

35. Before the development permitted by this permit commences, a Development Staging Plan, if necessary, must be prepared to accommodate for the interim occupation of the development including details of the level of completion of the stage (including, but not limited to built form and layout, parking, landscaping, drainage, street numbering and replacement of street trees).
36. Waste vehicles must park in the basement when collecting from IRCF1 and IRCF2.
- Re-number condition 34 (Permit Expiry) to 37.

RECOMMENDATION B

That Council's Transport Engineering team carry out a review of traffic conditions, parking and parking restrictions in the in the surrounding area in accordance with Council's On Street Parking Management Framework 6 months after the final occupation of the site.

Moved: Cr Tom Melican
Seconded: Cr Peter Dimarelos

CARRIED

6.3 31 ABERDEEN ROAD, MACLEOD - DEMOLITION OF PUBLIC TOILET AT MACLEOD PARK (P531/2023)

Cr Garotti raised a point of order pursuant to the Governance rules as the written statement from Marcus Wigan was determined to be invalid as the submission did not relate to item 6.3 in accordance with Division 11 58(3) of the Governance rules.

SUMMARY

1. The proposal is for the demolition of a public toilet building located at Macleod Park near the southwest corner of the Aberdeen Road and Erskine Road intersection. The associated pedestrian paths and concrete apron will also be removed.
2. A replacement facility will be constructed approximately 80 metres to the north, more conveniently located adjacent to the playground. However, only the demolition

requires planning permission as Macleod Park where the toilet is located is covered by Heritage Overlay (HO158).

3. The toilet building is not identified as contributory to the heritage value of the place. Rather, it has been identified by the community and Council as poorly designed for safety, hygiene and amenity.
4. It is noted that the old toilet will not be demolished until the new toilet is constructed and operational.
5. The proposal is exempt from the public notice requirements of the Planning Scheme however, previous consultation has occurred through signs on site, notice to the nearby trader's association and an article in the May and June additions of the Banyule Banner.
6. The proposal is consistent with the objectives and decision guidelines of the Heritage Overlay and the demolition will not adversely affect the heritage significance of Macleod Park. Replacement of the building is responsive to community safety and amenity objectives.
7. It is considered the proposed demolition should be supported with appropriate conditions.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P531/2023 for Demolition of a building (toilet block) in a Heritage Overlay at 31 Aberdeen Road MACLEOD 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 1/6/2023 with the application but modified to show:
 - (a) Deletion of the proposed toilet block and reference to tree removal;
 - (b) Tree Preservation Fencing in accordance with Condition 3 of this permit;
 - (c) The accurate location of the canopies of mature trees to be retained and those trees to be removed;
 - (d) The location of tree protection zones (TPZs) and structural root zones (SRZs) for all trees shown on the plans south of Erskine Road. The TPZs and SRZs must be calculated in accordance with Australian Standard 4970/2009.

Layout Not to Be Altered

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

Tree Protection Zone

3. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all demolition works. The TPZ must be provided around all trees shown on plans south of Erskine Road, 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 and include the following:

- (a) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
- (b) 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;
- (c) 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);
- (d) Ground protection must be laid down where access is required through a TPZ outside the fenced area. It must consist of a permeable membrane beneath a layer of mulch 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 work has been completed;
- (e) Any tree pruning required to gain access to the site must be approved by Banyule City Council's Parks and Natural Environment department.

Expiry of Permit

4. 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 from the date of permit issue;
 - (b) The development is not completed within four years from the date of permit issue.

PERMIT NOTES

(A) Permit Extension

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

(B) Building Permit Required

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

(C) Copy of Endorsed Plans to Building Surveyor

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

Resolution (CO2023/146)

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P531/2023 for Demolition of a building (toilet block) in a Heritage Overlay at 31 Aberdeen Road MACLEOD 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 1/6/2023 with the application but modified to show:
 - (a) Deletion of the proposed toilet block and reference to tree removal;
 - (b) Tree Preservation Fencing in accordance with Condition 3 of this permit;
 - (c) The accurate location of the canopies of mature trees to be retained and those trees to be removed;
 - (d) The location of tree protection zones (TPZs) and structural root zones (SRZs) for all trees shown on the plans south of Erskine Road. The TPZs and SRZs must be calculated in accordance with Australian Standard 4970/2009.

Layout Not to Be Altered

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

Tree Protection Zone

3. Unless otherwise approved in writing by the Responsible Authority, prior to the

commencement of any demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all demolition works. The TPZ must be provided around all trees shown on plans south of Erskine Road, 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 and include the following:

- (a) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
- (b) 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;
- (c) 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);
- (d) Ground protection must be laid down where access is required through a TPZ outside the fenced area. It must consist of a permeable membrane beneath a layer of mulch 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 work has been completed;
- (e) Any tree pruning required to gain access to the site must be approved by Banyule City Council's Parks and Natural Environment department.

Expiry of Permit

4. 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 from the date of permit issue;
 - (b) The development is not completed within four years from the date of permit issue.

PERMIT NOTES

(A) Permit Extension

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

(B) Building Permit Required

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

(C) Copy of Endorsed Plans to Building Surveyor

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

Moved: Cr Tom Melican
Seconded: Cr Rick Garotti

CARRIED

7. OUR VALUED COMMUNITY ASSETS AND FACILITIES**7.1 ASSET MANAGEMENT POLICY REVIEW****SUMMARY**

1. The Asset Management Policy defines a broad framework and principles for sustainable and effective lifecycle management of Council's infrastructure assets for current and future service delivery. The Policy was last adopted in 2018 and is now due for review.
2. The Policy focuses on Council's major asset classes including roads, footpaths, bridges, drainage, buildings, parks and open space, fleet, and plant and equipment.
3. As part of the review of the Asset Management Policy, the key Asset Management principles have been updated, to achieve appropriate levels of service to the community and comply with legislative and other requirements.
4. It also defines Asset Management roles and responsibilities of Council, Executive Management Team, Asset Management Steering Committee and Asset Management unit.
5. This Policy will be reviewed every four years or following any significant changes to Council's approach to Asset Management.

RECOMMENDATION

That Council:

1. Adopt the Asset Management Policy 2023 (**Attachment 1**).

Resolution (CO2023/147)

That Council:

1. Adopt the Asset Management Policy 2023 (**Attachment 1**).

Moved: Cr Rick Garotti
Seconded: Cr Tom Melican

CARRIED

8. OUR THRIVING LOCAL ECONOMY

8.1 PROPOSED DECLARATION - EAST IVANHOE VILLAGE SPECIAL CHARGE SCHEME

SUMMARY

1. Following the Ordinary Council Meeting held on 17 April 2023, an in accordance with the statutory process under the *Local Government Act 1989* (“Act”) for the declaration of a Special Charge (“Special Charge” and “Scheme” and “Proposed Declaration”), a statutory public notice of Council’s intention to declare the Special Charge for East Ivanhoe Village was advertised in *“The Age”* newspaper on 20 April 2023 and placed on Council’s website.
2. Separate letters advising of Council’s intention to declare the Special Charge were mailed by ordinary post on 21 April 2023 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
3. The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Charge (where an owner or an occupier of a property included in the Scheme) has the right to object to the Proposed Declaration and could make a written objection to Council under section 163B of the Act.
4. The closing date for submissions and objections was Friday 19 May 2023. Council received by this date a total of three (3) written submissions in support of the scheme and one objection opposing the scheme.
5. Council formally considered the written submissions and objection at its Ordinary Meeting held on 17 July 2023 and resolved to proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on Monday 7 August 2023.

RECOMMENDATION

That Council:

1. Having considered all the submissions received under section 223 of the *Local Government Act 1989* (“act”) and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Charge under section 163(1) of the Act for the purpose of defraying expenses incurred by Council in providing funds to East Ivanhoe Business Association (“Traders Association”), for the purpose of:
 - a. Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - b. A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and
 - c. Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within East Ivanhoe Village.
2. The period for which the Special Charge is declared and will remain in force is a period of five years commencing on 1 July 2023 and ending on 30 June 2028.

3. Based on the 77 rateable assessments included in the Scheme, an amount of \$48,125 per annum will be raised for a period of five years. This amount will be supplemented by Council's contribution of a further \$37,000 per annum to provide a total annual budget of \$85,125.
4. The area for which the Special Charge is declared is the land referred to as East Ivanhoe Village, as identified in **Attachment 1**.
5. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2**.
6. The Special Charge is levied by Council sending a notice of levy ("notice") in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner –
 - a. by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the issue of the notice; or
 - b. by four quarterly instalments.
7. Council will consider cases for financial and other hardship; it may reconsider other payment options for the Special Charge. No incentives will be given for payment of the Special Charge before the due date for payment in the Notice.
8. Subject to paragraph 9 of this proposed Declaration, the Traders Association be authorised on behalf of Council, administrative only and subject always to the supervision, direction, and control of the Council, to administer the proceeds of the Special Charge on the express condition that the Traders Association first enter into a funding agreement with the Council for the period of the Special Charge ("**Funding Agreement**")
9. The funding agreement must be approved by the Chief Executive Officer and include the suite of reforms that were endorsed by Councillors at the Council Meeting on 5 September 2022.
10. The new Funding Agreement must contain a condition which replaced condition 6 of the funding agreement previously entered into between the Council and the Traders Association for the previous Special Charge. This is a new condition which was agreed to by Council in 2021 in the renewal of the Heidelberg Central Special Charge Scheme.

The New Condition 6 must-

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

Council to declare and levy the Special Charge commencing on 1 July 2023, and the reason for the decision.

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

Resolution (CO2023/148)

That Council:

1. Having considered all the submissions received under section 223 of the “Local Government Act 1989 (“act”) and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Charge under section 163(1) of the Act for the purpose of defraying expenses incurred by Council in providing funds to East Ivanhoe Business Association (“Traders Association”), for the purpose of:
 - a. Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - b. A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and
 - c. Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within East Ivanhoe Village.
2. The period for which the Special Charge is declared and will remain in force is a period of five years commencing on 1 July 2023 and ending on 30 June 2028.
3. Based on the 77 rateable assessments included in the Scheme, an amount of \$48,125 per annum will be raised for a period of five years. This amount will be supplemented by Council’s contribution of a further \$37,000 per annum to provide a total annual budget of \$85,125.
4. The area for which the Special Charge is declared is the land referred to as East Ivanhoe Village, as identified in **Attachment 1**.
5. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2**.
6. The Special Charge is levied by Council sending a notice of levy (“notice”) in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner –
 - a. by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the issue of the notice; or
 - b. by four quarterly instalments.

7. Council will consider cases for financial and other hardship; it may reconsider other payment options for the Special Charge. No incentives will be given for payment of the Special Charge before the due date for payment in the Notice.
8. Subject to paragraph 9 of this proposed Declaration, the Traders Association be authorised on behalf of Council, administrative only and subject always to the supervision, direction, and control of the Council, to administer the proceeds of the Special Charge on the express condition that the Traders Association first enter into a funding agreement with the Council for the period of the Special Charge ("**Funding Agreement**")
9. The funding agreement must be approved by the Chief Executive Officer and include the suite of reforms that were endorsed by Councillors at the Council Meeting on 5 September 2022.
10. The new Funding Agreement must contain a condition which replaced condition 6 of the funding agreement previously entered into between the Council and the Traders Association for the previous Special Charge. This is a new condition which was agreed to by Council in 2021 in the renewal of the Heidelberg Central Special Charge Scheme.

The New Condition 6 must-

- a. give the Council the legal right, in its absolute discretion (and without first requiring any recourse to the Traders Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders Association 7 days written notice of the Council decision to terminate the Funding Agreement: and
 - b. following such termination, allow the Council to, by utilising Council's own staff or contracted third party, to assume ongoing responsibility for the administration of the Special Charge.
11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission or objection of the decision of Council to declare and levy the Special Charge commencing on 1 July 2023, and the reason for the decision.
 12. The Traders association be notified of the matters specified in paragraphs 1 and 10 of this resolution.

Moved: Cr Tom Melican
Seconded: Cr Peter Castaldo

CARRIED

8.2 PROPOSED DECLARATION - IVANHOE SPECIAL RATE AND CHARGE SCHEME

SUMMARY

1. Following the Ordinary Council Meeting held on 17 April 2023, an in accordance with the statutory process under the *Local Government Act 1989* ("**Act**") for the declaration of a Special Rate and Charge ("Special Rate and Charge" and "Scheme" and

“Proposed Declaration”), a statutory public notice of Council’s intention to declare the Special Rate and Charge for Ivanhoe was advertised in “*The Age*” newspaper on 20 April 2023 and placed on Council’s website.

2. Separate letters advising of Council’s intention to declare the Special Rate and Charge were mailed by ordinary post on 21 April 2023 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
3. The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Rate and Charge (where an owner or an occupier of a property included in the Scheme) has the right to object to the Proposed Declaration and could make a written objection to Council under section 163B of the Act.
4. The closing date for submissions and objections was Friday 19 May 2023. Council received by this date a total of 11 written submission in support of the scheme and no objections opposing the scheme.
5. Council formally considered the written submissions at its Ordinary Meeting held on 17 July 2023 and resolved to proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on Monday 7 August 2023.

RECOMMENDATION

That Council:

1. Having considered all the submissions received under section 223 of the “Local Government Act 1989 (“act”) and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Rate and Charge under section 163(1) of the Act for the purpose of defraying expenses incurred by Council in providing funds to the Ivanhoe Traders Association (“Traders Association”), for the purpose of:
 - a. Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - b. A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and
 - c. Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the shopping precinct.
2. The period for which the Special Rate and Charge is declared and will remain in force is a period of five years commencing on 1 July 2023 and ending on 30 June 2028.
3. Based on the 247 rateable assessments included in the Scheme, an amount of \$140,000 per annum will be levied for a period of five years. This amount will be supplemented by Council’s contribution of a further \$100,000 per annum to provide a total annual budget of \$240,000.
4. The area for which the Special Rate and Charge is declared is the land referred to as Ivanhoe Shopping Precinct, as identified in **Attachment 1**.
5. The land in relation to which the Special Rate and Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2**.

6. The Special Rate and Charge is levied by Council sending a notice of levy (“notice”) in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge be paid in the following manner –
 - a. by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the issue of the notice; or
 - b. by four quarterly instalments.
7. Council will consider cases for financial and other hardship; it may reconsider other payment options for the Special Rate and Charge. No incentives will be given for payment of the Special Rate and Charge before the due date for payment in the Notice.
8. Subject to paragraph 9 of this proposed Declaration, the Traders Association be authorised on behalf of Council, administrative only and subject always to the supervision, direction, and control of the Council, to administer the proceeds of the Special Rate and Charge on the express condition that the Traders Association first enter into a funding agreement with the Council for the period of the Special Rate and Charge (“**Funding Agreement**”)
9. The funding agreement must be approved by the Chief Executive Officer and include the suite of reforms that were endorsed by Councillors at the Council Meeting on 5 September 2022.
10. The new Funding Agreement must contain a condition which replaced condition 6 of the funding agreement previously entered into between the Council and the Traders Association for the previous Special Rate and Charge. This is a new condition which was agreed to by Council in 2021 in the renewal of the Heidelberg Central Special Rate and Charge Scheme.

The New Condition 6 must-

- a. give the Council the legal right, in its absolute discretion (and without first requiring any recourse to the Traders Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders Association 7 days written notice of the Council decision to terminate the Funding Agreement: and
 - b. following such termination, allow the Council to, by utilising Council’s own staff or contracted third party, to assume ongoing responsibility for the administration of the Special Rate and Charge.
11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission of the decision of Council to declare and levy the Special Rate and Charge commencing on 1 July 2023, and the reason for the decision.
 12. The Traders association be notified of the matters specified in paragraphs 1 and 10 of this resolution.

Resolution (CO2023/149)

That Council:

1. Having considered all the submissions received under section 223 of the “Local Government Act 1989 (“act”) and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Rate and Charge under section 163(1) of the Act for the purpose of defraying expenses incurred by Council in providing funds to the Ivanhoe Traders Association (“Traders Association”), for the purpose of:
 - a. Collective marketing and promotion of the precinct as a whole, which will assist in raising the profile of the area, including what it has to offer to the community and its customers,
 - b. A resourced and supported Traders Association that coordinates the daily management of activities and drives the overall strategic direction of the precinct with the support of Council, and
 - c. Enhanced property values and improved use, enjoyment and occupation of properties and overall business goodwill within the shopping precinct.
2. The period for which the Special Rate and Charge is declared and will remain in force is a period of five years commencing on 1 July 2023 and ending on 30 June 2028.
3. Based on the 247 rateable assessments included in the Scheme, an amount of \$140,000 per annum will be levied for a period of five years. This amount will be supplemented by Council’s contribution of a further \$100,000 per annum to provide a total annual budget of \$240,000.
4. The area for which the Special Rate and Charge is declared is the land referred to as Ivanhoe Shopping Precinct, as identified in **Attachment 1**.
5. The land in relation to which the Special Rate and Charge is declared is all that rateable land described in the listing of rateable properties set out in **Attachment 2**.
6. The Special Rate and Charge is levied by Council sending a notice of levy (“notice”) in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge be paid in the following manner –
 - a. by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the issue of the notice; or
 - b. by four quarterly instalments.
7. Council will consider cases for financial and other hardship; it may reconsider other payment options for the Special Rate and Charge. No incentives will be given for payment of the Special Rate and Charge before the due date for payment in the Notice.
8. Subject to paragraph 9 of this proposed Declaration, the Traders Association be authorised on behalf of Council, administrative only and subject always to the supervision, direction, and control of the Council, to administer the proceeds of the Special Rate and Charge on the express condition that the Traders Association first

enter into a funding agreement with the Council for the period of the Special Rate and Charge (“**Funding Agreement**”)

9. The funding agreement must be approved by the Chief Executive Officer and include the suite of reforms that were endorsed by Councillors at the Council Meeting on 5 September 2022.

10. The new Funding Agreement must contain a condition which replaced condition 6 of the funding agreement previously entered into between the Council and the Traders Association for the previous Special Rate and Charge. This is a new condition which was agreed to by Council in 2021 in the renewal of the Heidelberg Central Special Rate and Charge Scheme.

The New Condition 6 must-

- a. give the Council the legal right, in its absolute discretion (and without first requiring any recourse to the Traders Association), to unconditionally terminate the Funding Agreement for any reason which the Council considers to be relevant and appropriate by way of the Council first giving the Traders Association 7 days written notice of the Council decision to terminate the Funding Agreement: and
- b. following such termination, allow the Council to, by utilising Council’s own staff or contracted third party, to assume ongoing responsibility for the administration of the Special Rate and Charge.

11. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission of the decision of Council to declare and levy the Special Rate and Charge commencing on 1 July 2023, and the reason for the decision.

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

Moved: Cr Tom Melican

Seconded: Cr Peter Dimarelos

CARRIED

9. NOTICES OF MOTION

Nil

10. GENERAL BUSINESS

National Tree Planting Day – Friends of Eaglemont Village

The following was read out by Cr Castaldo on behalf of Cr McKern.

Cr Castaldo shared the reflections from a successful National Tree Planting Day that was organised and hosted by Friends of Eaglemont Village. The two events included a Planning Day with Ivanhoe Girls Grammar School grade 4 students and staff and volunteers. Over 12 plants were installed which was a great success, and a Planting Day with the Community

which included local residents and corporate volunteers via Planet Ark. Up to 50 participations installed around 180 plants.

Cr Castlado shared Cr McKern’s thanks and appreciation to Mr John Walkley and the Team at FoEV for organising the event, which was a a tremendous effort in galvanising community efforts towards greening this area of the Hurstbridge Rail corridor.

Joint Committee Meeting Yarning Circle

Cr Nealy reflected on her attendance at the Joint Committee Meeting which was held on 19 July 2023 which included all Committees to share conversations by the reconciliation advisory committee at Barrbunim Beek to learn and ask questions about The Voice from a First Nations viewpoint. Cr Elizabeth Nealy shared her experience which included reflections on the media’s assessment of The Voice and whether this is Treaty, Voice or truth and an explanation around why some Aboriginal organisations do not support The Voice.

Cr Nealy shared that the discussion was robust and the main message from the Yarning Circle was to encourage curious and respectful conversations and questions as they want the community to be informed when it goes to a vote. They recognise there are differences of opinion but what should come first with regards to Treaty is looking for ways forward to support the community.

Cr Nealy described the event as an enlightening experience, as both resident and Councillor, and encourages anyone looking for information to join the Yarning Circles now and in the future.

PUBLIC QUESTION TIME

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| 1 | <p>Name & Suburb Anonymous</p> |
| | <p>Question: As part of Councils commitment for zero carbon by 2028 does Council factor in the external carbon contributions of Councillors attending conferences, international, interstate and intrastate without using carbon credits and if not why not?</p> |
| | <p>Response: Council has established a target to achieve carbon neutrality by 2028 without the purchase of carbon offsets through our <i>Corporate Emissions Reduction Plan</i>. This target has been set for emissions which arise because of activities under our direct Council control which are referred to as Scope 1 and 2 emissions. To clarify Council’s commitment is to carbon neutrality, which is also known as net zero, but is not the same as zero carbon. We have committed that our emissions and our emission reductions will balance to zero.</p> <p>For Scope 3 emissions, which are emissions where we don’t have direct control over the activity, we will consider the actions that the service provision company is taking and purchase offsets where required. With respect to flights required as the normal part of business, such as attending the National General Assembly held each year in</p> |

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| | <p>Canberra, we do not control the activity as we do not operate the airline. For domestic airlines in Australia, we note they have set their own targets for net zero emissions.</p> <p><i>Natasha Swan – Director City Development</i></p> |
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| 2 | <p>Name & Suburb Roger Fyfe - Ivanhoe</p> |
| | <p>Question: My question relates to fresh applications for RPP's in a Residential Parking Precinct adjoining theirs, complying with the conditions set out in the 2023 BRPPP.</p> <p>How many applications have been received from residents of Precinct 60, broken down by number approved, number rejected and number of existing RPP's held for each applicant's residential address.</p> |
| | <p>Response: Through the renewal process 33 permits were issued. There has been 1 fresh application for a Residential Parking Permit in Parking Area 60 which was approved. We are unable to provide the addresses of any application or renewal for privacy reasons but can advise that the fresh application was from a property within Parking Area 60.</p> <p><i>Natasha Swan – Director City Development</i></p> |

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| 3 | <p>Name & Suburb Pippa Griffith</p> |
| | <p>Question: Given that through 2020 lockdowns, council allowed for remote attendance (ie live and NOT pre-recorded) at council meetings to both councillors and community speakers, are there any foreseen difficulties that would prevent live remote attendance now being offered to the community in the request to speak process?</p> |

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| | <p>Response: It was previously advised at Council meeting on 17 July 2023 that - <i>Throughout the COVID-19 lockdowns Council allowed video recordings of community members request to speak submissions, but at no time did community members 'dial in' and engage with Council 'live' in the meeting virtually.</i></p> <p>We wish to clarify and add to that original response at the request of the submitter that there was one (1) instance in which two (2) live submissions were allowed to a Council meeting after the April 2020 resolution, on an item in the 7 September 2020 Council meeting.</p> <p>As this item was in relation to a Traffic matter where the submission process was governed under the Local Government Act 1989, specifically under s 223 a requirement to present/speak in person was required to be made available and the "dial in" option was the only option available at the time due to COVID restrictions.</p> <p>Officers confirm that from a technical perspective there were several risks regarding reliability of technology in being able to deliver "dial in" options and therefore Council resolved at its meeting 6 April 2020 that speakers could submit pre-recorded video/audio messages or a statement to be read out at a meeting moving forward;</p> <p>We confirm that there were no other instances of live submissions to Council meetings in 2020, there were however, pre-recorded video/audio messages submitted and all other Requests to Speak were via this method or via written statements read out on behalf of community members by a member of the Executive Team or Council Staff;</p> <p>As we have since returned to in person meetings there is no longer a requirement to offer the "dial in" method as community members can now: Attend meetings in person; submit a pre-recorded video or audio message; or submit a written statement to be read on their behalf</p> <p><i>Krysten Forte – Governance Coordinator</i></p> |
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| 4 | <p>Name & Suburb Pippa Griffith</p> |
| | <p>Question: Given there was a factual error in Council’s response to my question in the Public Questions section of the last meeting (17 July 2023) (which I have been assured will be acknowledged at this meeting, and recorded in the minutes) and Council is committed to an open and democratic process, shouldn’t the Governance rules, the draft of which has suggested a number of additional rules for the public to adhere to, also include an obligation for Council to, at the earliest opportunity, publicly acknowledge and correct any errors in their response to a Public Question, and to record this in the minutes?</p> |
| | <p>Response: As previously advised to the submitter Ms Pippa Griffith directly in response to an email received from them on 18 July 2023 on the matter, to ensure an accurate reflection of the response provided at the Council meeting on 17 July 2023, the minutes from the 17 July 2023 will remain unchanged, however an update would be provided at the 7 August Council meeting. The meeting minutes as presented on the 17 July 2023 Council meeting are an accurate reflection of the response responded to verbally and</p> |

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| | <p>presented back to the submitter, albeit there is further clarification that has been provided as just read out.</p> <p>Regarding the Governance rules question - The Governance Rules Stage 2 Review covers community participation in Council meetings only and not the requirements or provisions for the process to amendments previous meeting minutes. The Stage 1 of the Governance Rules consultation sought feedback on meeting procedure matters of this kind.</p> <p>The earliest opportunity to correct and clarify the response publicly for questions submitted at the previous meeting, is the next available Council meeting being this evening. The clarification of the response has therefore been publicly acknowledged and will be included in the meeting minutes for 7 August 2023 Council Meeting.</p> <p><i>Krysten Forte – Governance Coordinator</i></p> |
| <p>5</p> | <p>Name & Suburb Michelle Giovas - Heidelberg</p> <hr/> <p>Question: What consideration did Council give to the purchase of land at the well located 1-3 Mountainview Parade, Montmorency, a prominent corner landholding of 1942 m2, only 350 metres from Montmorency's from Were Street, and close to the Montmorency Station?</p> <hr/> <p>Response: As this site did not meet the criteria for a Strategic Property Purchase, Council did work with the State and Federal Government to seek a partnership opportunity to purchase the property at 1-3 Mountain View Road Montmorency. This did not come to fruition and the estimated costs to bring the buildings up to a practical standard was not considered viable. At the Council meeting held 20th March 2023 a further report detailing Council's considerations and resolution regarding this matter was also considered. A copy of this report can be viewed on Council's website.</p> <p><i>Kath Brackett – Director Community Wellbeing</i></p> |
| <p>6</p> | <p>Name & Suburb Alicia Curry Rosanna</p> <hr/> <p>Question: Recently Banyule Council acknowledged that a substantial portion of my Shaping Banyule survey submission "was inadvertently missed and subsequently left off the feedback report" (being the Urban Forest Strategy - which has now been amended), however council does not always provide a community consultation feedback report and relies on a summary view once an officer recommendation has already been made in a council meeting agenda item (such as being suggested for the Governance Rules), so would council amend their protocol so that early consultation feedback reports are standard practice, to assist in both public transparency and consideration of all feedback prior to an officer's recommendation</p> <hr/> <p>Response:</p> |

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| | <p>Community engagement and feedback reports are typically supplied as an attachment to Council reports scheduled for consideration at Council meetings. There is no standardised approach to how consultation feedback to different projects is presented back to Council or the community due to the varying nature, scope, timing, budget, resources and sensitivities of each project.</p> <p>Council endeavours to close the loop with the community following each community engagement process, typically on Shaping Banyule and by advising Shaping Banyule members and project followers of project findings.</p> <p>Council officers analyse community feedback received through the engagement process to inform recommendations made to Council for consideration.</p> <p>With regard to the recent Governance Rules Stage 2 community participation review, all workshop participants were supplied a copy of all feedback from both workshops 1 & 2 via email (if provided) on 18 July 2023. Officers are currently assessing the Governance Rules consultation feedback and determining the best approach to present this data to Councillors and the public in a meaningful way, which will be included in the Council Report scheduled for 25 September 2023 and will be available on the Shaping Banyule page.</p> <p><i>Krysten Forte – Governance Coordinator</i></p> |
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| 7 | <p>Name & Suburb Rowan Harrison – Eaglemont Neighbourhood Conservation Association Inc. Eaglemont</p> |
| | <p>Question: Why is Council not enforcing the Planning Permit conditions at a Mount Eagle Construction Site? Outlook Drive Eaglemont</p> |
| | <p>Response: It is understood that your question relates to the construction at 11 Outlook Drive, Eaglemont. The site has been recently inspected by Development Planning and there were no breaches of any permit conditions identified on site.</p> <p><i>Natasha Swan – Director City Development</i></p> |

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| 8 | <p>Name & Suburb Jane Crone - Eaglemont</p> |
| | <p>Question: Why is Council selling yet another great Community asset that is perfectly situated in a major activity centre, with easy access, plenty of parking, storage, a kitchen, newly polished dance floor (not carpet), close to public transport and is on a single level without the need for a not fit for purpose lift? It is obviously being used by many community groups, including the Warringal Orchid Society of which I am a member, who have recently been given only six months to vacate and find another venue, suggestions being Bellfield or Warringal. Both of these have very little storage space as well as many other issues together with evening</p> |

sporting practice having to share the Beverly Road carpark with Warringal Conservation Society as well as the Banyule theatre.

Why are Banyule residents, especially those of Griffith Ward being made to miss out again as has the Ivanhoe Garden Club, that's been forced to move four (4) times by council, whilst I have been a member, each time to a lesser facility that does not meet their needs, because their hall was sold?

Response:

- At the time that the Bellfield Hub was planned, Council contemplated relocation of other users into this new facility, with the subsequent sale of ageing buildings, many of which required considerable maintenance and were not able to meet the requirements of current groups using the buildings. One of the buildings from which users were to be moved into the Bellfield Hub was the Hawdon Street Community Hall (Hawdon Hall).
- At the 29 May 2023 Ordinary Council Meeting, Council resolved to receive a further report to commence the statutory process for sale of the land at 78-80 Hawdon Street, Heidelberg in accordance with section 114 of the Local Government Act 2020.
- The giving of public notice of Council's intention to sell does not compel Council to sell the Land. Council is merely complying with its statutory obligations under the Act.
- This process will entail giving public notice of its intention to sell and undertake a community engagement process in accordance with Council's community engagement policy.
- Supporting the continued operation of the community groups is a priority and Council staff have been working one on one with each group to ensure their needs can continue to be met in a relocated facility.
- The Orchid society meet once a month and they are currently looking at Bellfield (site meeting this week to view) and they will also look at the Old Shire Office. Council's booking officer is liaising with this group around their needs.
- Storage requirements will be accommodated for relocated groups as Council understands that this is critical to the group's successful operations. Increasing storage capacity of the Old Shire Office is currently being investigated to support groups that may need to relocate.
- The Ivanhoe Garden Club are enjoying their new facilities at Bellfield Community Hub, having been relocated from the old Bellfield Community Centre site.

Kath Brackett – Director Community Wellbeing

Closure of Meeting to the Public

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

- Item 11.1 Banyule Cemeteries Trust – Future Management Options
- Item 11.2 12 Salisbury Avenue, IVANHOE – Alternative Outcome for three storey apartment development (P1125/2022)

Item 11.1 has been designated as confidential pursuant to section 3(1)(a) of the *Local Government Act 2020* as it contains confidential information relating to personal information, being information which if released would result in the unreasonable

disclosure of information about any person or their personal affairs. The information within the report relates to the employment and performance review of the Chief Executive Officer.

Item 11.2 has been designated confidential pursuant to section 3(1)(h) of the *Local Government Act 2020*, as they contain confidential information relating to private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets; or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Moved: Cr Fiona Mitsinikos

Seconded: Cr Elizabeth Nealy

CARRIED

The Ordinary Council Meeting was closed to the public at 10.41pm.

The Confidential Council Meeting opened at 10.51pm in order to deal with items 11.1 and 11.2.

In the Confidential Council Meeting, Council resolved to release the following information from the confidential report for Item 11.1 as set out below:

11.1 Banyule Cemeteries Trust - Future Management Options That Council:

1. Adopts the strategy to retain management of the Banyule Cemeteries Trust.
2. Adopt and commence implementation of the following recommendations from the Changing Places Report:
 - Recommendation one: That Council invest in specialist cemetery software, migrate all cemetery data bases, implement contractor and risk management processes and ensure succession planning is in place for key staff;
 - Recommendation three: That Council regard Warringal, Greensborough and Hawdon Street cemeteries as a package, and continue to administer all three simultaneously;
 - Recommendation eight: That Opus Xenta be requested to provide an indicative quote both for Beyond Pro software and likely cemetery data migration costs;
3. Provide the necessary budget, either through the Banyule Cemeteries Trust budget to fund these recommendations and to report back to Council at the earliest opportunity on the budget funding implications.
4. Review the detailed financial results of the Banyule Cemeteries Trust reserve annually to provide further analysis of the impact on Banyule City Council of the reduced Banyule Cemeteries Trust reserve.
5. Note that future determinations about the Cemetery Trust Management may change in line with Council priorities and until such time as a subsequent resolution is placed.
6. Approve to release the full Council resolution only, to the public in line with the principles of transparency, accountability, and good governance.

Information relating to item 11.2 remains confidential pursuant to section 3(1)(h) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets; and if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

The Confidential Council Meeting closed at 10.56pm and did not re open to the public.

DATED: DAY OF 2023

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MAYOR

The next Ordinary Meeting of Council will be held on Monday, 28 August 2023.