

# Minutes of the Ordinary Meeting of Council



**Held on the 27 July 2020**

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

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## MINUTES

The Meeting opened at 7.19pm.

### Acknowledgement of the Traditional Custodians

The Mayor read an acknowledgement of the traditional custodians, the Wurundjeri Woiwurrung people.

### Present

Mayor Cr Alison Champion, Cr Peter Castaldo, Cr Mark Di Pasquale, Cr Rick Garotti, Cr Craig Langdon, Cr Tom Melican, Cr Wayne Phillips

### Apologies

Nil

### Leave of Absence

Nil

### Confirmation of Minutes

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 6 July 2020*

Moved: Cr Craig Langdon

Seconded: Cr Tom Melican

CARRIED

### Disclosure of Interests

Cr Craig Langdon declared a conflict of interest in item 5.5 being an indirect interest by close association as the owner of the property is known to him.

### Presentation

Nil

### Late Confidential Item

The Mayor noted for transparency that a late confidential report in relation to North East Link would be considered after all agenda items in the Ordinary meeting, in a meeting to be closed to the public.

### 1. URGENT BUSINESS

Nil

### 2. PETITIONS

Nil

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### 3. PEOPLE – COMMUNITY STRENGTHENING AND SUPPORT

#### 3.1 ADOPTING A DIVERSITY STATEMENT FOR BANYULE CITY COUNCIL

##### EXECUTIVE SUMMARY

A Diversity Statement has been developed to capture Council's commitment to and value of diversity. A Diversity Statement ensures inclusion, access and equity are kept in the front of people's minds whilst conducting business. It acts as a vehicle by which Council can articulate the meaning of diversity and raise awareness of their commitment to diversity, to residents, communities, and customers. It also stimulates engagement with the Inclusion, Access and Equity Framework 2017-2021 further embedding it across the organisation.

In developing the wording of the Diversity Statement, Council's seven advisory committees were consulted. A proposed implementation plan of the Diversity Statement ( attachment 1) recommends a 12-month trial period, as well as the key areas of Council business the Diversity Statement should be implemented. It is proposed that at the end of the trial a review will be conducted and reported back to Council, which will contain recommendations for next steps.

##### Resolution (CO2020/125)

That Council

1. Endorses the following Diversity Statement, which acknowledges value of diversity within our community and outlines Council's commitments.

*"Banyule is a diverse community, made up of people from different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities. Council is committed to inclusion, access and equity for everyone. These principles foster cohesiveness, empower people and improve the wellbeing of the Banyule Community."*

2. Endorse the use of the Diversity Statement for a trial period August 2020 to July 2021 and receives a further report on the findings and any recommendations from the evaluation.

Moved: Cr Craig Langdon  
Seconded: Cr Tom Melican

CARRIED

### 3.2 PROPOSED NEW LEASE WITH THE SCOUTS ASSOCIATION OF AUSTRALIA (VICTORIAN BRANCH) - VARIOUS SITES - PUBLIC SUBMISSION

A statement was read on behalf of Brian Wood.

#### EXECUTIVE SUMMARY

Council has a land lease with The Scouts Association of Australia (Victorian Branch) (Scouts) for 10 scout hall sites. The five-year lease ended on 30 June 2020.

Under section 190 of *Local Government Act 1989* ('the Act') Council is required to give notice of its intention to lease where the lease is to be for 10 years or more and where the current market rental value of the land is \$50,000 or more a year. The statutory procedures under sections 190 and 223 of the *Local Government Act 1989* ('the Act') by giving notice of Council's intention to enter a lease with Scouts has been completed.

Public notice was given in the Herald Sun newspaper on 6 June 2020. At the close of submissions on 6 July 2020, one written submission was received. The submitter has requested to be heard and appear in person in support of his submission.

The purpose of this report is for Council to receive, hear and consider the submission to the proposed lease. The submission has been separately provided to councillors.

A further report will be presented to Council on the 17 August 2020.

#### Resolution (CO2020/126)

That

1. Council receive, hear and consider the verbal and written submission pursuant to section 223 of the *Local Government Act 1989*, in response to the public notice given of the proposed lease to The Scouts Association of Australia (Victorian Branch) for 10 scout hall sites.
2. A further report be submitted to Council at its meeting on 17 August 2020 to resolve on the lease.

Moved: Cr Tom Melican

Seconded: Cr Craig Langdon

CARRIED

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#### 4. PLANET – ENVIRONMENTAL SUSTAINABILITY

##### 4.1 KOALA HABITAT IN BANYULE - INVESTIGATES SUITABLE HABITAT FOR BUSHFIRE EFFECTED KOALA'S AND OTHER NATIVE ANIMALS WITHIN BANYULE

###### EXECUTIVE SUMMARY

This report is in response to a Council resolution calling for a report that investigates the feasibility of providing habitat for bushfire effected koalas and other native animals within the municipality and seeking advice as to the best way Council contribute to the koala habitat in the future.

The Black Summer bushfires that Australia experienced in the summer 2019/2020 saw millions of hectares of native fauna habitat destroyed across Australia, with thousands of koalas and millions of native faunas perishing in those fires. Many that survived the fires have been left injured and/ or displaced.

Now that the fires are over attention has been turned to koala and fauna rehabilitation and care. Relocation of native fauna is a complex, particularly when it comes to koalas and success rates vary. Koalas have very specific food needs and the only potential location in municipality for these animals is Banyule Flats as it contains 4 of the 5 preferred trees koalas feed on. However, the area does not have enough canopy cover to maintain even a small population of koalas.

As such, it has been found that the relocation of bushfire effected koalas would not be feasible within the municipality of Banyule. Similar considerations/ complexity is also associated with the relocation of other native fauna impacted on by the bushfires.

###### Resolution (CO2020/127)

That Council

1. Notes the report and that no feasible habitat exists for the relocation of effected Koalas within Banyule.
2. Actively plant suitable trees at Banyule flats so that in the future it may be made available to koalas or other Australian native animals where appropriate.

Moved: Cr Craig Langdon  
Seconded: Cr Rick Garotti

CARRIED

## 5. PLACE – SUSTAINABLE AMENITY AND BUILT ENVIRONMENT

### 5.1 PROPOSED DECLARATION OF SPECIAL CHARGE - ROSANNA VILLAGE SHOPPING CENTRE SPECIAL CHARGE SCHEME

#### EXECUTIVE SUMMARY

Following the ordinary Council meeting held on 6 April 2020, and in accordance with the statutory process under the *Local Government Act 1989* (“Act”) for the declaration of a special charge (“**Special Charge**” and “**Scheme**” and “**Proposed Declaration**”), a statutory public notice of Council’s intention to declare the Special Charge for the Rosanna Village Shopping Centre (“**Shopping Centre**”) was advertised in the “Herald Sun” newspaper on 14 April 2020, and placed on Council’s Internet website. Separate letters, advising of Council’s intention to declare the Special Charge were mailed by ordinary post, on 14 April 2020, to all of the owners and occupiers of the properties included in the proposed Scheme, together with a copy of the public notice.

The public notice advised that any person may make a written submission under sections 163A and 223 of the Act. The public notice further advised that any person who would be required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object to the Proposed Declaration, and could make a written objection to the Council under section 163B of the Act.

The closing date for submissions and objections was on 15 May 2020. Council received by this date a total of **eleven** written submissions under sections 163A and 223 of the Act. **Five** of the submissions were in support of the proposed Scheme for a variety of reasons. There were two persons who (on behalf of **six** properties) opposed the Scheme and these submissions, while submissions under section 223 of the Act, are also (and have been treated as) objections for the purposes of section 163B of the Act.

Council formally considered the written submissions and the objections at its ordinary meeting held on 15 June 2020, and resolved that, following what had been Council’s consideration of the submissions and objections, Council would proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on 27 July 2020.

This Report, following a consideration of the submissions and objections received by Council, recommends the declaration of a Special Charge for the Rosanna Village Shopping Centre, commencing on 1 July 2020 and ending on 30 June 2025.

#### **Resolution (CO2020/128)**

That

1. Council, having considered all submissions received under section 223 of the Local Government Act 1989 (“Act”) and taken into account all objections lodged under section 163B of the Act and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Rosanna Village Traders’ Association (“Traders Association”), which funds, administratively only and subject always to the approval, direction and control of Council, are to be used for the purposes of contracted support, promotional, advertising, marketing, business development and other incidental expenses, as approved by Council and agreed to from time to time between Council and the Traders’ Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Rosanna Village



Shopping Centre (“**Special Charge**” and **Declaration**”).

2. The criteria which form the basis of the declaration of the Special Charge are the ownership of rateable land used, or reasonably capable of being used, for commercial, retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraphs 6 and 7 of this Declaration are included and further, the classification of those properties as receiving a special benefit.
3. In declaring the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the City of Banyule, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Special Charge is declared.
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Charge is declared) and also the total amount of the Special Charge to be levied by Council is referable to an amount of \$40,000, which amount will be levied in each year of the Scheme, and which in total, will raise an amount of \$200,000 over the 5 year period of the Scheme.
5. The period for which the Special Charge is declared and will remain in force is a period of 5 years commencing on 1 July 2020 and ending on 30 June 2025.
6. The area for which the Special Charge is declared is all of the land referred to as the Rosanna Village Shopping Centre, as identified and shown on the plan set out in the attachment forming a part of this Declaration (being [Attachment 1](#)).
7. 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 the attachment forming a part of this Declaration (being [Attachment 2](#)).
8. The contributions to the Special Charge, based on relevant property classifications will be declared and assessed in accordance with the Special Charge amounts set out alongside each property in the attachment forming a part of this Declaration (being [Attachment 2](#)).
9. The Special Charge will be levied by Council sending a notice of levy (“Notice”) in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge be paid in the following manner –
  - (a) one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the Notice; or
  - (b) by four instalments, to be paid by the dates which are fixed by Council in the notice.
10. Council will consider cases of financial and other hardship, and it may reconsider other payment options for the Special Charge. Council further records that at the 6 April 2020 ordinary meeting of Council, Council resolved of its intention to extend its support for businesses in light of COVID-19 pandemic, by providing additional funding for the Special Charge Scheme. No incentives will otherwise be given for payment of the Special Charge before the due date for payment in the Notice

11. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly or indirectly as a result of the expenditure proposed by the Special Charge, the viability of the Shopping Centre as a business, commercial, retail and professional area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Scheme area will be maintained or enhanced through increased economic activity.
12. Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, the total amount of the Special Charge to be levied and all of the services and activities to be provided from the expenditure of the Special Charge are marketing, promotion and advertising related and will accordingly only benefit the owners and occupiers of those properties and businesses included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes (in circumstances where there are no other special benefits or community benefits accruing from the Special Charge).
13. The Traders' Association be authorised to administer the proceeds of the Special Charge on the express condition that the Traders' Association enters into a funding agreement with Council for the period of the Special Charge.
14. Notice be given to all owners and occupiers of properties included in the Scheme and all persons who have lodged a written submission of the decision of Council to declare and levy the Special Charge commencing on 1 July 2020, and the reasons for the decision.
15. For the purposes of paragraph 14, of this Declaration, the reasons for the decision of Council to declare the Special Charge are that –
  - (a) there are minimal objections to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers;
  - (b) Council considers that it is acting in accordance with the role, functions and powers conferred on it under the *Local Government Act 2020*, particularly in relation to the provision of good governance in its municipal district for the benefit and wellbeing of the Banyule municipal community, including in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;
  - (c) all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation, and enjoyment of the properties; and
  - (d) the basis of the distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered by Council to be fair and reasonable.

16. The Traders' Association be notified of the matters specified in paragraphs 1 and 13 of this resolution.

Moved: Cr Tom Melican  
Seconded: Cr Craig Langdon

CARRIED

## 5.2 PROPOSED DECLARATION OF SPECIAL RATE: THE BELL STREET MALL SHOPPING CENTRE SPECIAL RATE SCHEME

Emily Metcalfe spoke on the item via pre-recorded video.

### EXECUTIVE SUMMARY

Following the Ordinary Council Meeting held on 6 April 2020, and in accordance with the statutory process under the *Local Government Act 1989* ("Act") for the declaration of a special rate ("Special Rate" and "Scheme" and "Proposed Declaration"), a statutory public notice of Council's intention to declare the Special Rate for The Bell Street Mall Shopping Centre ("Shopping Centre") was advertised in the "*The Herald Sun*" newspaper on 14 April 2020, and placed on Council's Internet website. Separate letters, advising of Council's intention to declare the Special Rate were mailed by ordinary post, on 14 April 2020 to all of the owners and occupiers of the properties included in the proposed Scheme, altogether with a copy of the public notice.

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 (whether an owner or an occupier of a property included in the Scheme) had a right to object to the Proposed Declaration, and could make a written objection to the Council under section 163B of the Act.

The closing date for submissions and objections was 15 May 2020. Council received by this date a total of four written submissions under sections 163A and 223 of the Act. All submissions were in support of the proposed Scheme for a variety of reasons. No objections were received under section 163B of the Act.

Council formally considered the written submissions at its ordinary meeting held on 15 June 2020 and resolved that, following what had been Council's consideration of the submissions, Council would proceed to make a final decision in relation to the Scheme at its ordinary meeting to be held on 27 July 2020.

This Report, following a consideration of the submissions received by Council, recommends the declaration of a Special Rate for The Bell Street Mall Shopping Centre commencing on 1 July 2020 and ending on 30 June 2025.

**Resolution (CO2020/129)**

That

1. Council, having considered all submissions received under section 223 of the *Local Government Act 1989* (“**Act**”) and having complied with the requirements of sections 163A, 163B and 223 of the Act, and otherwise according to law, hereby declares a Special Rate under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as The Bell Street Mall Traders Association (“**Traders Association**”), which funds, administratively only and subject always to the approval, direction and control of Council, are to be used for the purposes of contracted support, promotional, advertising, marketing, business development and other incidental expenses, as approved by Council and agreed to from time to time between Council and the Traders’ Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in The Bell Street Mall Shopping Centre (“Special Rate and Declaration”).
2. The criteria which form the basis of the declaration of the Special Rate are the ownership of rateable land used, or reasonably capable of being used, for commercial, retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraphs 6 and 7 of this declaration are included.
3. In declaring the Special Rate, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the City of Banyule, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Special Rate is declared.
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Rate is declared) and also the total amount of the Special Rate to be levied by Council is referable to an amount of \$55,000 which amount will be levied in each year of the Scheme and which in total will raise an amount of \$275,000 over the 5 year period of the Scheme.
5. The period for which the Special Rate is declared and will remain in force is a period of 5 years commencing on 1 July 2020 and ending on 30 June 2025.
6. The area for which the Special Rate is declared is all of the land referred to as The Bell Street Mall, as identified and shown on the plan set out in the attachment forming a part of this Declaration (being [Attachment 1](#)).
7. The land in relation to which the Special Rate is declared is all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (being [Attachment 2](#)).
8. The contributions to the Special Rate, based on relevant property classifications will be declared and assessed in accordance with the Special Rate amounts set out alongside each property in the attachment forming a part of this Declaration (being [Attachment 2](#)).
9. The Special Rate will be levied by Council sending a notice of levy (“Notice”) in the prescribed form annually to the person who is liable to pay the Special Rate, which will require that the Special Rate be paid in the following manner –

- (a) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
  - (b) by four instalments, to be paid by the dates which are fixed by Council in the Notice.
10. Council will consider cases of financial and other hardship, and it may reconsider other payment options for the Special Rate. (Council further records that at the 6 April 2020 ordinary meeting of Council, Council resolved of its intention to extend its support for businesses in light of COVID-19 pandemic, by providing additional funding for the Special Rate Scheme.) No incentives will otherwise be given for payment of the Special Rate before the due date for payment in the Notice.
11. Council considers that there will be a special benefit to the persons required to pay the Special Rate because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Rate, and directly or indirectly as a result of the expenditure proposed by the Special Rate, the viability of the Shopping Centre as a business, commercial, retail and professional area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Scheme area will be maintained or enhanced through increased economic activity.
12. Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Rate is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, the total amount of the Special Rate to be levied and all of the services and activities to be provided from the expenditure of the Special Rate are marketing, promotion and advertising related and will accordingly only benefit the owners and occupiers of those properties and businesses included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes (in circumstances where there are no other special benefits or community benefits accruing from the Special Rate).
13. The Traders' Association be authorised to administer the proceeds of the Special Rate on the express condition that the Traders' Association enters into a funding agreement with Council for the period of the Special Rate.
14. 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 commencing on 1 July 2020, and the reasons for the decision.
15. For the purposes of paragraph 14, of this Declaration, the reasons for the decision of Council to declare the Special Rate are that –
- (a) there is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Rate from all property owners and occupiers;
  - (b) Council considers that it is acting in accordance with the role, functions and powers conferred on it under the *Local Government Act 2020*, particularly in relation to the provision of good governance in its municipal district for the benefit and wellbeing of the Banyule municipal community, including in relation

to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;

- (c) all persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation, and enjoyment of the properties; and

- (d) the basis of the distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate is considered by Council to be fair and reasonable.

- 16. The Traders' Association be notified of the matters specified in paragraphs 1 and 13 of this resolution.

Moved: Cr Craig Langdon  
Seconded: Cr Tom Melican

**CARRIED**

### 5.3 PLANNING SCHEME AMENDMENT C159 ADOPTION - REMOVAL OF PARKING OVERLAY FROM THE GREENSBOROUGH ACTIVITY CENTRE

#### EXECUTIVE SUMMARY

Planning Scheme Amendment C159 (C159) seeks to delete Schedule 1 of Clause 45.09 (Parking Overlay) from the Banyule Planning Scheme. The effect of this amendment will be to remove the now out-of-date car parking rates for the Greensborough Activity Centre and to default to the State Government car parking rates for activity centres which apply across all of metropolitan Melbourne. This outcome was a recommendation of the Greensborough Activity Centre Parking Plan adopted by Council in 2019.

Authorisation was sought from the Minister for Planning on 14 February 2020 to progress C159 under Section 19 (1B) of the Planning and Environment Act 1987. Authorisation to proceed was granted on 28 February 2020.

Public exhibition of C159, typically four weeks, was extended to a six-week period due to COVID-19 lockdown restrictions. This occurred between 22 April to 18 June 2020. No submissions were received.

Notice was not given in a 'local newspaper' due to the closure of the Leader Newspaper. However, Notice was given directly to affected landowners and occupants, and public authorities. Information was also published on Council's website and the Government Gazette.

It is considered that Council should now adopt Amendment C159 as exhibited and submit the amendment to the Minister for Planning for final approval.

#### **Resolution (CO2020/130)**

That Council:

1. Adopt Banyule Planning Scheme Amendment C159 as exhibited;
2. Submit Banyule Planning Scheme Amendment C159 to the Minister for Planning for approval.

Moved: Cr Mark Di Pasquale  
Seconded: Cr Tom Melican

CARRIED

**5.4 43 BROWN STREET & 55-60 ROSANNA ROAD, HEIDELBERG - PROPOSED FOUR STOREY APARTMENTS - (P457/2020)**

Michelle Giovas, Lisa Stubbs and Taylor Tran spoke on the item via pre-recorded video.

**EXECUTIVE SUMMARY**

The proposal is for the development of the land for the construction of thirty-eight (38) dwellings, buildings and works on land subject to a Design and Development Overlay (DDO5), removal of vegetation and construction of a fence on land subject to a Vegetation Protection Overlay (VPO5) and alteration of access to a Road Zone, Category 1 (RDZ1) at 56–60 Rosanna Road and 43 Brown Street, Heidelberg. The proposed development is consistent with State and Local Planning Policies and complies with Clause 55 of the Banyule Planning Scheme.

It is noted that a permit for a similar outcome was issued in 2017 as a result of an approval by Council and mediation between Council, objectors and the applicant at the Victorian Civil and Administrative Tribunal. As the applicant has allowed this permit to lapse, a fresh permit is being sought for an outcome generally in accordance with the conditions set out in the lapsed permit.

Following public notification of the proposal, a total of 52 objections have been received.

As there are no changes in policy that would suggest that the first permit is now inappropriate, it is considered that the application should be supported with appropriate conditions.

**Cr Peter Castaldo moved the following motion, seconded by Cr. Tom Melican:**

That Council, having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to issue a Refusal to Grant a Planning Permit in respect of Application No. P457/2020, for the development of the land for the construction of thirty-eight (38) dwellings, buildings and works on land subject to a Design and Development Overlay (DDO5), removal of vegetation and construction of a fence on land subject to a Vegetation Protection Overlay (VPO5) and alteration of access to a Road Zone, Category 1 (RDZ1) at 56–60 Rosanna Road and 43 Brown Street HEIDELBERG on the following grounds:

**Siting, design and neighbouring residential amenity**

1. The height and scale of the proposed development will have an overbearing physical impact upon neighbouring property and will have an adverse impact upon local residential amenity contrary to Clauses 15.01-1R – Urban Design, 21.04-1 – Housing, Schedule 1 of Clause 42.03 – Significant Landscape Overlay and Schedule 5 of Clause 43.02 – Design and Development Overlay of the Banyule Planning Scheme.

**Mass, bulk, scale and neighbourhood character**

2. The bulk and scale of the built form of the proposal and the reduced front setbacks proposed would have an adverse visual impact on the streetscape contrary to Clauses 15.01-1R – Urban Design, 21.04-1 – Housing, Schedule 5 of Clause 43.02 – Design and Development Overlay and Standard B1 and B6 of Clause 55 of the Banyule Planning Scheme.

**General Clause 55 non-compliance**

3. The proposal does not comply with the following objectives and standards of Clause 55 of the Banyule Planning Scheme:
  - Standard B6 – Front setback objectives



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**Cr Wayne Phillips foreshadowed that if the motion is lost he would move a motion as per the recommendation in the papers.**

**The former motion was put**

**LOST**

**The foreshadowed motion became the substantive and was put**

**Resolution (CO2020/131)**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Planning Permit in respect of Application No. P457/2020 for the development of the land for the construction of thirty-eight (38) dwellings, buildings and works on land subject to a Design and Development Overlay (DDO5), removal of protected vegetation and construction of a fence on land subject to a Vegetation Protection Overlay (VPO5) and alteration of access to a Road Zone, Category 1 (RDZ1) at 56–60 Rosanna Road and 43 Brown Street HEIDELBERG subject to the following conditions:

**Plans**

- 1 Before the development permitted by this permit starts, 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 three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by GKA Architects Pty Ltd (rev M) dated 17 March 2020 but further modified to show:
  - (a) Delete Tree #48 from the plans as it has been removed;
  - (b) The position or design of bicycle parking facilities within the basement amended so that they are not path of vehicles reversing out from car spaces 22 and 23;
  - (c) Provision of specifications for the car stacking systems utilised within the basement (Hercules Expanderpark '-2+1' and '-1+1');
  - (d) The maximum gradient of all vehicular access ramps to comply with the relevant Australian Standard (AS2890.1);
  - (e) A minimum of 20% of apartments designed to be compliant with Council's Liveable Housing Design Guidelines;
  - (f) The Tree Preservation Fencing in accordance with Condition 8 of this permit;
  - (g) Waste Management Plan amended to include the following changes:
    - (i) The waste collection frequency for each waste stream nominated as being a maximum of one (1) collection per week;
    - (ii) Capacity for residential storage of garden organics;
    - (iii) The roller door entrance to the bin store to be automated;
    - (iv) The width of the corridor between bins be wide enough to allow wheelchair access;
  - (h) Any modifications necessary to the plans to accommodate changes required to the Waste Management Plan as per Condition (1) (g);

- 
- (i) All sustainable design features indicated in the advertised Sustainable Design Management Plan prepared by ARC Enviroconcepts Pty Ltd dated 28 March 2020. Where sustainable design features outlined in the Sustainable Design Management Plan cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
  - (j) Landscaping plan amended to show the location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Management Plan and STORM report, with reference to connection details on the engineering plans;
  - (k) A notation on plans stating that all landscaping works for the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land within the TPZ of all retained/neighbouring trees outside of the approved building envelope;
  - (l) Engineering plans 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:
    - (i) The use of an On-site Stormwater Detention (OSD) system;
    - (ii) The connection to the Council nominated legal point of discharge;
    - (iii) All drainage plans must show for Trees #24, #51, #52 and #60: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Darrell Mcleod (revised March 2020);
    - (iv) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the advertised Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;

Please note the Engineering 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.

### General

- 2 The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the responsible authority.
- 3 Unless otherwise agreed in writing by the responsible authority the development permitted by this permit must not be commenced until the tree protection measures required by Condition 8 are installed to the satisfaction of the responsible authority.
- 4 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).

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## Drainage

- 5 Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.

### NOTE:

Any connection to Council's drainage system

- (a) within the road reserve must be carried out under a Memorandum of Consent for Works; and/or
- (b) Other than within a road reserve must be carried out under a Drainage Connection Permit;

This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority

## Urban Design / External Appearance

- 6 The walls of the development on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the responsible authority.

## Tree Protection / Landscaping

- 7 Except with the further written consent of the responsible authority, no vegetation (other than that indicated on the endorsed plan, or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.
- 8 Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works on the site Tree Preservation Zones must be established around Trees #24, #51, #52 and #60. At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' the suitably qualified project arborist (AQF **Level 5**) which must include photographic evidence of the below requirements. This correspondence must be sent to [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au). Once installed to the satisfaction below the Tree Preservation Zones must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:

(a) Extent

Tree Preservation Zones must be provided in the following trees:

**Neighbouring Trees #24, #51, #52 and #60:** to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;

Where there are approved works within a 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.

(b) Weed control

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

(c) Fencing

Protective fencing must consist of chain wire mesh panels held in place with concrete feet. Fencing must comply with Australian Standard AS 4687-2007 Temporary fencing and hoardings.

(d) Signage

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

(e) Irrigation

The area must be irrigated during the summer months with 10 litres of clean water for every 1 cm of trunk girth measured at the soil / trunk interface on a monthly basis during summer (or a percentage thereof equivalent to the percentage of TPZ area occurring within the subject site).

(f) Access to Tree Preservation Zone

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

(g) Ground Protection

A permeable membrane beneath a layer of mulch or crushed rock below rumble boards must be laid down where the tree protection zone occurs outside the fenced area detailed in Condition (8) (a). 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.

**NOTE:**

Requests for consent of the Responsible Authority (City of Banyule) pursuant to this Condition should be directed to Council's Arborist – Development Planning on 9457 9808. Consent for the conduct of further works within a Tree Protection Zone, where granted, may be subject to conditions. Such conditions may include a requirement that:

- a) Any further works that are approved are to be supervised by the project arborist, and a written component may be required also;
- b) All root excavation be carried out by hand digging or with the use of 'Air-Excavation' techniques;
- c) Canopy and Limb protection is provided in accordance with the guidelines detailed in AS4970-2009 Protection of Trees on Development Sites.
- d) Or other conditions, as relevant, to ensure the ongoing health and stability of the subject tree/s.
- e) Any excessive impacts on the canopies and/or roots of trees located on or adjoining property may trigger the need for a Section 72 Amendment application in regard to the design of built-form and/or landscaping.

- 9 Any underground service installations within the calculated Tree Protection Zone of any retained tree must be bored to a depth of at least 600mm. Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:
- (a) Undertaken after written approval is received from the Responsible Authority; and,
  - (b) Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees under the supervision of the project arborist.
- 10 Unless otherwise agreed in writing by the responsible authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

### **Arborist supervision**

- 11 Prior to the commencement of works, the project arborist must determine the canopy impact to trees on or adjoining the subject site that are shown to be retained on the endorsed plans in regards to any pruning required to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements), and advise council's Development Planning Arborists via email to [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au) marked "Attention - Development Planner" and including the planning application number. Following written approval from the Responsible Authority, all tree pruning must then be carried out by the suitably qualified project arborist (AQF **Level 3**) 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. Any requirement for excessive pruning may trigger the need for a Section 72 Amendment application in regard to the design of built-form or the retention of a tree.
- 12 Any root severance within a TPZ must be undertaken by a project arborist to their satisfaction using clean, sharp and sterilised tree root pruning equipment e.g. sharp handsaw, secateurs, pruners or specialised root pruning equipment, in accordance with Australian Standard *AS4373-2007 Pruning of Amenity Trees*. There must be no root pruning within the SRZ.
- 13 The project arborist must ensure that any root severance resulting from endorsed buildings and works does not adversely impact the health and or stability of any retained tree now or into the future.
- 14 All plant machinery and construction equipment must operate from outside a TPZ. There must be no works undertaken within a TPZ other than those endorsed by the Responsible Authority (RA).
- 15 The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

### **Waste Management**

- 16 Unless otherwise agreed in writing by the responsible authority, prior to the Certification of the Plan of Subdivision, the owner/s of the land at 56-60 Rosanna Road and 43 Brown Street, Heidelberg must enter into an agreement with the

responsible authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the responsible authority.

Such agreement shall require that all refuse and recycling collection for the property shall be provided internally by a private contractor at the expense of the owner of the land. A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

### **Construction Management Plan**

17 Before the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved in writing by, the responsible authority. The Construction Management Plan must address the following issues:

- (a) measures to control noise, dust and water runoff;
- (b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- (c) the location of where building materials are to be kept during construction;
- (d) site security;
- (e) maintenance of safe movements of vehicles to and from the site during the construction phase and on the surrounding road network;
- (f) on-site parking of vehicles associated with construction of the development;
- (g) wash down areas for trucks and vehicles associated with construction activities;
- (h) cleaning and maintaining surrounding road and footpath surfaces.

The development must be undertaken in accordance with the approved Construction Management Plan unless otherwise approved in writing by the responsible authority.

### **Vehicle crossings**

18 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 Council prior to occupation of the building. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

### **Department of Transport**

19 Prior to the occupation of the building allowed by this permit, the redundant vehicle crossover to Rosanna Road must be removed and the area reinstated to kerb, channel, nature-strip and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria.

**Development Infrastructure Levy**

- 20 Prior to the issue of a building permit for any building or any works approved by this permit, a Development Infrastructure Levy and a Community Infrastructure Levy must be paid to Banyule City Council. The amount of the levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.

**Time Limits**

- 21 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two years of the date of this permit;
  - (b) The development is not completed within four years of the date of this permit.
- 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:
- (c) Before the permit expires, or
  - (d) Within six months afterwards, or
  - (e) Within 12 months afterwards if the development started lawfully before the permit expired.

**PERMIT NOTES****A. Expiry of Permit**

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. 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.

**E. 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.

**F. Memorandum of Consent for Works**

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

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

**G. 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.

**H. Department of Transport**

Separate approval under the Road Management Act 2004 for the crossover works to Rosanna Road is required from the Head, Transport for Victoria. Please contact the Department of Transport (Roads) prior to commencing any works.

Moved: Cr Wayne Phillips  
Seconded: Cr Craig Langdon

CARRIED



***Cr Craig Langdon declared a conflict of interest in item 5.5 being an indirect conflict by close association and left the chamber prior to the consideration of the item.***

***Cr Langdon left the chamber at 8.29pm and did not take part in the discussion or decision for this item.***

#### **5.5 37-63 BELL STREET & 45 LINDEN AVENUE IVANHOE - AMENDMENT TO MIXED USE MULTI LEVEL DEVELOPMENT (P635/2015)**

**Statements were read on behalf of Kevin Biaggini and Paul Lewis.**

#### **EXECUTIVE SUMMARY**

At its meeting on 21 December 2015, Council resolved to issue a Notice of Decision to Grant a Permit for planning permit application P635/2015 for a mixed-use tower block at 37-63 Bell Street and 45 Linden Avenue, Ivanhoe. The applicant lodged a review against conditions with the Victorian Civil and Administrative Tribunal (VCAT) with objectors also lodging a review against Council's decision. A planning permit was ultimately granted at the direction of VCAT (by consent) following a VCAT Compulsory Conference held on 14 April 2016.

The Permit was subsequently amended by Council (at the direction of VCAT) on 7 August 2019 following another compulsory conference. Plans were endorsed under Condition 1 of the permit on 28 January 2020.

Further amendments have been sought and approved. In July 2020 a Section 72 Amendment (to plans only) approved changes to the dwellings located on levels 2-3 of Residential Building 2 (the lower scale apartment building in the southwest of the site fronting Myrtle Street). Included among the changes were a reduction in the number of dwellings from 249 to 245 and internal revisions to dwelling layouts.

The current application seeks to amend the permit (including the endorsed plans) by removing the childcare and aged care uses (100 beds and 84 independent living units respectively); increasing the number of dwellings from 249 to 494 (245 additional dwellings); undertaking an internal reconfiguration of Building 3 including the provision of an additional level of basement car parking to supply the additional dwellings; increasing the building height of Building 3 by an additional 5 storeys; increasing the setback of Building 3 from the south; provision of additional amenities for apartment residents; the addition of a food and drink premises; revised facade design and landscaping treatments; changes to the roof plant of Building 1; and changes to the permit preamble and permit conditions.

The proposal includes a number of positive attributes, including (subject to further change via permit conditions) a suitable mix of residential and commercial uses, a suitable diversity of apartment types, and an acceptable building form, scale and design.

It is considered that the proposal should be supported subject to conditions requiring further changes as discussed in this report

**Cr Wayne Phillips moved the following motion, seconded by Cr Rick Garotti:**

**Cr Peter Castaldo foreshadowed that he would move a motion to refuse should the motion be lost.**

**The former motion was put**

**Resolution (CO2020/132)**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, resolves to issue a Notice of Decision to Grant an Amended Planning Permit in respect of Application No.P635/2015 by allowing the following amendments:

- Substitute the child-care centre, aged care and independent living units previously shown in Building 3 for residential units (dwellings);
- Increase the number of residential dwellings from 249 to 470 dwellings i.e. remove the 84 independent living units and 100 aged care beds;
- Internally reconfigure the dwellings in Building 3 fronting the ground level internal courtyard to improve internal amenity;
- Provide an additional food and drink premises comprising 143sqm at the corner of Bell Street and Linden Avenue at ground and mezzanine levels;
- Increase the height of Building 3 (the tower at the corner of Bell Street and Linden Avenue) by 5 storeys bringing the overall building height to approximately 47.4m (an additional 16.6m from 119.3 AHD to 135.90 AHD);
- Internally reconfigure the basement car parking to facilitate the additional residential dwellings including an additional basement Level 5. Basement Level 3 is now proposed to be provided in Stage 2;
- Deletion of the communal open space at Level 6 previously provided to the independent living units, resulting in a reduction in the building 'break' between the upper forms of Buildings 1 and 3 along Bell Street from 20m to 6.5m (minus 13.63m);
- Alterations to the rear profile of Building 3 (to the south-east form) at the south-eastern interface with 43 Linden Avenue (plans variously shows increased/reduced setbacks);
- Provide additional communal residential facilities including gym, pool, art room, arcade room and workshop/tool shed;
- Revised façade design to Building 3 reflecting the changed land use mix;
- Subsequent revisions to the landscaping plan;
- Consequential revisions to the roof plant on Building 1;
- Modification of a number of permit conditions to align with the amended plans and staging of works associated with the development; and
- Modification to the permit preamble to reflect the changes in planning permissions required

Subject to inclusion of the following additional conditions, amendment of conditions numbered as noted and consequential renumbering of conditions:

New Conditions included:

Condition 38 – Development Contributions

Existing conditions that are being amended:

Conditions 1, 3, 9, 10, 13, 30, 31, 35 which require the following additional changes:

- Provision of a minimum 1500 square metres of medical centre or other commercial floor space at ground level and the immediate level above addressing the Bell Street frontage at the north-east corner of the site and provision of 3.5 metre floor to ceiling height to the ground floor and first floor component.
- Provision of dedicated car parking spaces for the commercial floor space required
- The detailed allocation and documentation of all car spaces allocated to all component uses and notation of same on plans for information of future users
- Changes to the architectural treatment of the junction of the podium and upper levels
- Provision of wind barriers to accord with the requirements of wind modelling undertaken as part of the amendment process
- Changes to the architectural treatment of the interior northeastern wall elevation of the apartment building 3
- Additional screening requirements to further restrict southern views
- Further confirmation and clarification of prohibition of vehicle access from the southern side of the vehicle barrier on Linden Avenue
- Changes of timing of roadworks to accord with staging plans

Renumbering as required so that the permit conditions will read as per below:

1. Before the use and development permitted by this permit starts, 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 three copies must be provided. The plans must be generally in accordance with the plan prepared by CHT Architects dated 13 March 2020 and 24 April 2020 comprised in Drawing Nos. TP03 – TP06, TP06A, TP07 – TP17, TP20 – TP23, TP30 – TP33 and TP40 but modified to show:
  - a) Provision of a minimum 750 square metres of medical centre or other commercial floor space at ground level addressing the Bell Street frontage at the north-east corner of the site and provision of a minimum of 750 square metres of medical centre or other commercial floor space at the first floor.
  - b) The ground level and first floor level must be shown and designed to incorporate minimum floor to ceiling heights of 3500mm.
  - c) The allocation and on-site provision of car parking spaces for the medical centre or other commercial land use as required in Condition 1a), at the rate set out in Schedule 2 to the Parking Overlay. The full quantum of the required spaces must be provided on-site and allocated from the surplus supply of residential car spaces.
  - d) The location, dimensions and design detail of all porous and non-porous wind barriers as per the recommendations set out in the report prepared by VIPAC

- Engineers & Scientists Ltd dated 12 March 2020, modified as necessary to reflect any additional changes to the development.
- e) Revised architectural treatment for the junction between the glazing at the top of the expressed podium and the bottom of the dark upper level form at the Bell Street frontage. This should see a continuation of the horizontal banding at this level with a discrete transition level, as occurs at the Linden Avenue frontage.
  - f) The north-eastern wall of apartments 101C, 201C, 301C, 401C, 501C, 601C, 701C and 801C to include obscure glazed windows/glazed brickwork and addition of different colours and materiality to this wall to improve the view/outlook from the northern apartments
  - g) Soft and hard landscaping to restrict vehicular access to Linden Avenue south west of the road closure including a low fence on Linden Avenue adjacent to the vehicular turning/ drop off zone with design detail to be provided on the plans. The low fence is to extend from the southern boundary of the site to the southern side of the vehicular access to the drop off zone and be setback from the frontage (behind landscaping) other than in the location of the hammerhead turning circle.
  - h) A schedule of external building materials and colours, including details of cladding facing materials. The schedule is to be presented on a separate sheet and colour samples must be provided;
  - i) Allocation of car parking spaces to all land uses;
  - j) All changes necessary to provide bicycle parking, signage and end of trip facilities in accordance with Clause 52.34 of the Banyule Planning Scheme.
  - k) Landscaping as required by Condition 9 of this permit;
  - l) Engineering plans showing a properly prepared design with computations for the internal drainage and method for of disposal of stormwater from all roofed areas and sealed areas including:
    - (i) The use of an On-site Stormwater Detention (OSD) system;
    - (ii) The connection to the Council nominated legal point of discharge;
    - (iii) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report if relevant and include drainage details as a result of landscaping.

Please note the Engineering 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.

- m) The Tree Preservation Fencing in accordance with Condition 12 of this permit;
- n) All changes necessary to avoid impact on trees on abutting sites as required by condition 9 of this permit;
- o) Measures to limit views into existing secluded private open space and habitable room windows of the adjoining dwellings at 43 Linden Avenue in accordance with ResCode Standard B22 or alternative treatment that meets the overlooking objectives of Clause 55.04-6 of the Banyule Planning Scheme. Balcony screening must avoid the use of solid devices that project beyond the balcony building envelope to the southeast and any landscape planter screening must be annotated as being 'maintained at all times in accordance with the endorsed landscape plan'. Balcony design should enable reasonable outlooks for occupants whilst avoiding unacceptable overlooking.
- p) An alternative and improved architectural treatment of the roof plant screen
- q) Improvements to the usability of tandem, spaces and spaces with overhead and full height storage cages.

- r) Implementation of all ESD Plan details required under Condition 13 of this permit;
- s) The columns in all basement levels revised to avoid encroaching into the required clear zone for car parking spaces
- t) Cross-section plans must be provided for height clearance and ramp grade assessments.
- u) Change in grade for ramp on upper ground level from Linden Avenue to meet the design standard 3 requirements of Clause 52.06.
- v) Additional spacing of 0.5m between the 5 tandem spaces provided in Basement 4 and these spaces allocated to 3-bedroom dwellings
- w) Provision of charging points for electric cars.
- x) All changes necessary so that a minimum of 20% of dwellings but not limited to 20% to comply with Banyule's Liveable Housing Guidelines.
- y) The drop off zone to be provided with one way circulation other than for access for emergency vehicles and designed to the satisfaction of the Responsible Authority.
- z) Any changes that might reasonably be required by the Responsible Authority in relation to the layout of the car parking spaces and access aisles.

### General

- 2 The use and development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
- 3 Unless otherwise agreed in writing by the Responsible Authority, the use must not start and the development must not be occupied until the development of each stage 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, as applicable).
- 4 The development must be designed and constructed in accordance with the relevant sections of Australian Standard 1428 '*Design Rules for Access by the Disabled*' to the satisfaction of the Responsible Authority.

### Amenity

- 5 The uses permitted by this permit must be conducted, and the appearance of the subject land must be maintained to the satisfaction of the Responsible Authority so as not to unreasonably adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods, or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.
- 6 Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land and so that there is no unreasonable light spill into any residential properties. Any security lighting is to be connected to a sensor so that illumination of the site is not continuous.
- 7 Noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 and/or Environment Protection (Residential Noise) Regulations 1997 and/or Environmental Protection Authority Noise Control Guidelines TG 302/92, as relevant.
- 8 Before any plans are endorsed pursuant to Condition 1 of this Permit, an acoustic report prepared by a suitably qualified acoustic engineer must be submitted to, and approved in writing by, the Responsible Authority. The report must assess likely noise impacts on future residents and users of the building, including, but not necessarily limited to the impact of:

- (a) likely noise associated with the commercial use of the premises on other commercial uses within the building and the occupants of the residential apartments within the building;
- (b) road noise on residential apartments that interface with Bell Street.

The report must include any necessary recommendations for ameliorative measures to prevent unreasonable noise impacts on the occupants and such recommendations of the acoustic engineer must be fully implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

### **Landscape Plan Condition**

9. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 15 November 2018 prepared by Jack Merlo Design and Landscape, except that the plan must show:
- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
  - (b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - (c) details of surface finishes of pathways and driveways
  - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - (e) landscaping and planting within all open areas of the site. This is to include, but not limited to, details of all furniture installation, paving and other treatments to the internal courtyard spaces to enhance on-site amenity;
  - (f) treatment of all above ground planting areas and planters, including but not limited to the minimum height and planting densities for balcony planters relied upon for privacy screening purposes;
  - (g) Any requirements of the Vegetation Protection Assessment in accordance with Condition 13;
  - (h) new landscaping within the public realm and within the property boundary and all street planting to be at no cost to the Responsible Authority;
  - (i) the design and height of all boundary fences;
  - (j) Screen planting and trees within the landscape buffer and street setbacks to be planted at a semi-mature height.
  - (k) the southern boundary fence to have a minimum height of 2.7m.

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

- 10 Before the use/occupation of the development of each stage starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 11 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

### **Vegetation Protection Assessment**

- 12 Any approved development at the site must not be commenced until an arboricultural impact assessment and tree protection plan regarding the protection of the trees and vegetation located within the site and on adjoining properties is endorsed by the Responsible Authority. The arboricultural impact assessment must be authored by a

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suitably qualified consulting arborist and prepared in accordance with AS4970-2009 – *Protection of Tree on Development Sites*, and must include the following:

- (a) An assessment of the construction impact on the root system of trees and vegetation within the site and on the adjoining property, including the impact of any site cuts, fill, or other works proposed beyond the building footprint;
- (b) An assessment of the construction impact on the canopies of trees and vegetation within the site and on the adjoining property;
- (c) Provision of vegetation protection measures including fencing, ground protection and canopy protection required throughout the construction process that is detailed in the report and is shown on an A3 tree protection plan; and
- (d) The need for any subsequent planning approval for works affecting any vegetation within the site and on adjoining property as per *Vegetation Protection Overlay Schedule #5* in the Banyule Planning Scheme.

**Note:**

- Any design alterations required to suitably reduce the impact of construction on vegetation on adjoining property must be shown on construction plans before the tree protection plan will be endorsed.
- All tree protection measures required must be instated to the satisfaction of the Responsible Authority prior to the commencement of construction.
- Formal arboricultural advice must inform any design alterations required to protect vegetation located within the site as well as for any vegetation located on adjoining property even if the vegetation on adjoining property is not protected under the Banyule Planning Scheme.

**ESD Report and Plan**

- 13 Before the use and development permitted by this permit starts, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SDA will be endorsed to form part of the permit. The amended SDA must be generally in accordance with the SDA submitted with the application, but modified to show:
- (a) 7 Star rating average across all apartments.
  - (b) The provision of two (2) rainwater storage tanks with minimum capacity of 100 kilolitres including location and a notation of the connections end use being used for toilets, commercial cleaning and irrigation
  - (c) An improvement on choice of energy efficient appliances
  - (d) An improvement on choice of water efficient appliances
  - (e) Gradient of pavement to demonstrate drainage of all areas into the raingarden can be achieved
  - (f) North facing façade designed in such a way to meet Clause 58 maximum cooling loads
  - (g) All proposed sustainable design features indicated in the submitted ESD Report. Where sustainable design features outlined in the report cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.)

**Maintenance and Urban Design**

- 14 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.
- 15 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.

- 16 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.
- 17 Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### **Car Parking/Access**

- 18 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.
- 19 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.
- 20 The boundaries of all car spaces, access and egress lanes and the direction in which vehicles should proceed along the access lanes must at all times be clearly indicated on the ground to the satisfaction of the Responsible Authority.
- 21 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.

#### **Public Works**

- 22 Unless otherwise agreed in writing, prior to the completion of Stage 1 of the development, a civil works plan prepared by a suitably qualified person must be submitted to and approved to the satisfaction of the responsible Authority including the materials, finishes and treatments of the footpath and nature strips along the three road frontages of the site.

#### **Waste Collection**

- 23 Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority, must be submitted to, and approved in writing by, the Responsible Authority.  
The Waste Management Plan must be prepared by a suitably qualified person, specify that collection is to be by way of private contractor and detail:
- (a) confirmation of a collection vehicle that can collect directly from the designated bin collection area;
- a. how waste and recycling materials are to be managed within the site and collected from the subject site;
- b. how fully laden bins will be taken to and from the collection point(s);
- c. anticipated frequency, hours and duration of collection(s) having regard to the areas provided for bin storage and potential noise impacts to the surrounding neighbourhood;
- d. how bin storage areas will be maintained to ensure there is no unreasonable emission of odour or noise;



- e. details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land.
- f. indication of the accesses to be utilised on the basement plans by waste vehicles.
- g. the type of vehicles which must be used for waste collection.

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

- 24 The waste bin area must be provided before the development is occupied. The waste bin area must be maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.
- 25 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(s) so as to cause offence to any person(s) outside the subject land, to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

- 26 Before the development starts, a Construction Management Plan to the satisfaction of VicRoads and the Responsible Authority must be submitted to, and approved in writing by, the Responsible Authority. The Construction Management Plan must address the following issues:

- (a) measures to control noise, dust and water runoff;
- (b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- (c) the location of where building materials are to be kept during construction;
- (d) site security;
- (e) maintenance of safe movements of vehicles to and from the site during the construction phase and on the surrounding road network;
- (f) on-site parking of vehicles associated with construction of the development;
- (g) wash down areas for trucks and vehicles associated with construction activities;
- (h) cleaning and maintaining surrounding road and footpath surfaces.

The development must be undertaken in accordance with the approved Construction Management Plan unless otherwise approved in writing by the Responsible Authority.

### **Graffiti prevention measures**

- 27 Any walls or spaces accessible to the public must be treated in accordance with Safer Design and CPTED (Crime Prevention Through Environmental Design) Principles. Where appropriate the following measures must be implemented to the satisfaction of the Responsible Authority:
- (a) textured or rough services that make it difficult to apply graffiti;
  - (b) permeable fencing instead of solid walls;
  - (c) buildings with high-density, low absorbency materials;
  - (d) anti-graffiti coating to protect the surface when building or revitalising the walls (including façade);
  - (e) sensor lighting and/or enhanced surveillance to deter graffitiists;
  - (f) the break up of large surfaces to minimise the canvas available for graffitiists; and
  - (g) measures to make surfaces less liable to graffiti.

**Maintenance of property**

- 28 The permit holder/occupier 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.
- 29 Before the occupation of the development paid to the Responsible Authority an amount not exceeding \$100,000 to be applied by the Responsible Authority towards the provision of urban art or similar on or immediately adjacent to the land.

**Section 173 Agreement**

- 30 Unless otherwise agreed in writing by the Responsible Authority, prior to the use commencing, the owner/s of the land at 37-63 Bell Street, 65 Bell Street, 67 Bell Street, 69 Bell Street, 45 Linden Avenue and 56 Myrtle Street IVANHOE must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. This requirement may be waived should construction be completed prior to the issue of a Statement of Compliance. Such agreement shall require that:
- No licensing will be sought for electronic gaming machines on the land.
  - There shall be no direct vehicle ingress or egress from the subject land to Linden Avenue south-west of the road closure.
  - There shall be no direct ingress or egress from the subject land to Myrtle Street south-west of the road closure.
  - No hotel activity shall be carried out on the subject land.
  - Occupants of the dwellings or commercial premises on the land have no entitlement to on-street or off-street parking by way of a resident or trader vehicle parking permit.

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

**VicRoads**

- 31 Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans, dated stamped by Banyule City Council on 30/09/2015 and annotated as but modified to show:
- Left turn deceleration lane on Bell Street leading to Linden Avenue in accordance with the Austroads Guidelines.
  - A splitter island on Myrtle Street to prohibit traffic from turning right out of Myrtle Street onto Bell Street.

Before the use approved by this permit in Stage 2 commences, the left Turn Deceleration Lane must be completed at no cost to and to the satisfaction of the Roads Corporation'.

Before the use approved by this permit in Stage 1 commences, the Splitter Island, signage and line marking and associated works to restrict right turn movements from Myrtle Street onto Bell Street must be completed at no cost to and to the satisfaction of the Roads Corporation.

**Supervising Architects**

- 32 Unless otherwise agreed by the Responsible Authority, CHT Architects must be retained as the supervising architects for the development.

**Resident/Trader Parking Permits**

- 33 Prior to the occupation of the building, details shall be submitted to and approved in writing by the Responsible Authority as to how it will be brought to the attention of prospective purchasers that occupants of the dwellings or commercial premises on

the land have no entitlement to on-street or off-street parking by way of a resident or trader vehicle parking permit.

### **Green Travel Plan**

- 34 Prior to the commencement of the use, a Green Travel Plan for the development shall be prepared by a suitably qualified person/company and approved in writing by the Responsible Authority.

### **Car Parking Management Plan**

- 35 Unless otherwise agreed in writing, prior to the commencement of the use hereby approved, a Car Park Management Plan must be prepared and approved to the satisfaction of the Responsible Authority. Such a plan must clearly identify, although is not limited to outlining:
- (a) Details of the appropriate number and location of visitor spaces, medical centre patient spaces and drop off spaces and appropriate phasing to the satisfaction of the Responsible Authority
  - (b) An allocation plan showing allocation of parking to specific uses.
  - (c) short term parking restrictions appropriately signed
  - (d) enforcement management plan
  - (e) accessible bays provided on the first two levels of the basement car park.

### **Loading and Unloading**

- 36 Unless with the prior written consent of the Responsible Authority the loading and unloading of goods associated with the operation of the commercial premises must not occur outside of the hours of 7.00am to 9.00pm.

### **Staging**

- 37 Before the development commences, a detailed staging plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The staging plan in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.

### **Development Contributions**

- 38 Prior to the issue of a building permit for any building or any works approved by this permit, a Development Infrastructure Levy and a Community Infrastructure Levy must be paid to Banyule City Council. The amount of the levy for each charge unit must be calculated in accordance with Schedule 1 to the Development Contribution Plan Overlay.

### **Expiry**

- 39 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 two years of the date of this permit;
  - The development is not completed within four years of the date of this permit;
  - The use is not commenced within four years of the date of this permit; or
  - The use is discontinued for a period of two years.

Moved: Cr Wayne Phillips  
Seconded: Cr Rick Garotti

CARRIED

***Cr Langdon returned to the chamber at 8.52pm***

**Cr Phillips left the chamber at 8.50pm**

**Cr Wayne Phillips returned to the chamber at 8.52pm**

**5.6 3 WAVERLEY AVENUE, IVANHOE - 3 STOREY APARTMENT BUILDING DEVELOPMENT (P1246/2018)**

**Jim Shrugg (on behalf of Susan Toole) and Alida McKern spoke on the item via pre-recorded video; and statements were read on behalf of Kevin Blaggini and Chris Mackenzie.**

**EXECUTIVE SUMMARY**

The proposal seeks approval for the construction of a development consisting of six 3-storey attached townhouses, four apartment dwellings and basement parking for 20 vehicles. Townhouses 1 and 2 have a frontage to the street and Townhouses 3 - 6 have pedestrian access via a common pathway along the western boundary. The apartments are accessed via a common lift and lobby area which is also located off the common pathway.

A total of 18 objections were received during the public notification process. Concerns were raised regarding tree removal, insufficient landscaping, insufficient setbacks, excessive site coverage, overshadowing, bulky design, noise and light pollution, additional traffic congestion, cladding and front fencing is out of character.

The subject site is located within the Ivanhoe Accessible Residential Area, adjacent to the Ivanhoe Activity Centre with good access to services, transport and shopping facilities.

The proposed development is considered to provide an appropriate response to the Ivanhoe Structure Plan and the character of the area offering a transition from the neighbouring mixed use 6-storey building under development on the corner of Upper Heidelberg Road and Waverley Avenue to the residential setting of the street.

The development proposes a variation to the rear setback requirements of the Design and Development Overlay which applies to the site. This variation is supported as the rear setbacks provide area for the planting of medium and small canopy trees which offers an improved landscaping outcome at the rear compared to established developments at 7 and 9 Waverley Avenue which have minimal rear setbacks.

The application was formally amended following a consultation meeting with objectors held on the 30 March 2020. The amended proposal is considered to have addressed issues raised by objector parties through the updated material schedule, additional screening, increased setbacks, altered window fenestration and increased landscaping. The proposal should be supported, subject to conditions.

**Resolution (CO2020/133)**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a Refusal to Grant a Planning Permit in respect of Application No. P1246/2018 for Development of a building comprising 6 townhouse dwellings and 4 apartment dwellings and removal of vegetation at 3 Waverley Avenue IVANHOE on the following grounds:

**Siting, design and neighbouring residential amenity**

1. The siting and design of the proposed development with minimal side and rear setbacks will have an overbearing physical impact upon neighbouring properties and will have an adverse impact upon local residential amenity contrary to Clauses 15.01-1S – Urban Design, 21.04-1 – Housing, Clause 21.06 – Built Environment, Clause 21.08 – Local Places, Clause 43.02 – Design and Development Overlay (Schedule 12) of the Banyule Planning Scheme.

### Landscaping

2. Inadequate space has been provided for canopy tree and screen planting to the rear and west side of the development to adequately soften views of the development from the neighbouring land and enhance the landscape character of the area contrary to Clauses 15.01-1S – Urban Design, 21.04-1 – Housing, 21.06 – Built Environment, 42.02 –Vegetation Protection Overlay – Schedule 3 and Clause 43.02 – Design and Development Overlay (Schedule 12) of the Banyule Planning Scheme.

### Vegetation Protection

3. The removal of the *Eucalyptus haemastoma* - Scribbly Gum (Tree 4) from the front setback would be detrimental to the landscaped character and visual amenity of the area contrary to Clause 42.02 – Vegetation Protection Overlay – Schedule 3 of the Banyule Planning Scheme.

Moved: Cr Peter Castaldo

Seconded: Cr Rick Garotti

CARRIED

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**6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE****6.1 DRAFT BANYULE COMMUNITY ENGAGEMENT POLICY 2020 - FOR PUBLIC EXHIBITION**

David Mulholland spoke on the item via pre-recorded video.

**EXECUTIVE SUMMARY**

1. The purpose of this paper is to seek Council approval to release the Draft Banyule Community Engagement Policy 2020, for a four-week public exhibition period, 28 July – 25 August 2020.
2. It is a requirement of the *Local Government Act 2020* that councils develop and adopt a Community Engagement Policy, and in turn that the Community Engagement Policy is utilised to inform engagement plans that support the development of Council's key strategic and financial planning documents (at a minimum).
3. The Policy details Banyule's commitment to:
  - the provision of quality and principled community engagement opportunities;
  - empowering and strengthening our community and municipality through participation in community engagement; and
  - the practice of evidence informed decision-making that reflects community needs and expectations.
4. Further to the extensive engagement that has been undertaken to date to inform the Draft Banyule Community Engagement Policy, it is hoped to now progress the passage of the draft document to public exhibition for further comment.

**Resolution (CO2020/134)**

That Council:

1. Endorses the Draft Banyule Community Engagement Policy 2020, at Attachment 1 to this report, for a four-week public exhibition period, 28 July – 25 August 2020.
2. Receives a further report detailing any feedback received on the Draft Banyule Community Engagement Policy 2020, during the public exhibition period, and presenting a final Draft Banyule Community Engagement Policy 2020 to Council for consideration.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

**The Mayor called for a 5 minute recess at 9.16pm.**

**The meeting resumed at 9.21pm**

## 7. PERFORMANCE - USE OUR RESOURCES WISELY

### 7.1 PUBLIC PARTICIPATION IN COUNCIL MEETINGS - CHANGED PROCESSES DURING COVID 19 PANDEMIC

**Brian Grace spoke on the item via pre-recorded audio, David Mulholland spoke on the item via pre-recorded video, and a statement was read on behalf of Michelle Giovas.**

#### EXECUTIVE SUMMARY

As the risk of contracting COVID-19 increases in an indoor setting, adjustments have been made to Council Meetings over the last few months, including shortening the duration of the meetings and introducing changes to the public participation components of the meetings, namely the Request to Speak and Public Questions processes.

With Metropolitan Melbourne (and Mitchell Shire) going into Stage 3 lockdown again from 8 July 2020 (due to escalating cases of COVID-19), it is timely to review public participation for the next few meetings until the election period (caretaker) and beyond, depending on the COVID situation.

There are only a few council meetings scheduled before Council enters the Election Period (caretaker period) at the end of September. The number of reports will continue to increase for these remaining meetings, which generally increases the number of speakers.

The main purpose of Council meetings is for Councillors to openly debate and discuss matters and make decisions. Reducing Councillor time to discuss and debate matters impacts on good decision making.

During COVID, Councillor speaking times have reduced to less than those of the public (2 minutes compared to 3 minutes for the public).

A further adjustment made when the public were no longer able to attend the meetings in person is that the statements of submitters have been read out by the Officers present. This has presented some challenges and is not as effective as hearing from the person themselves.

As the health and safety of Councillors and Staff attending the meetings is of paramount importance, ensuring meetings are held within two hours maximum or less; a number of options were considered at the Councillor Briefing on Monday 13 July 2020. These options include:

- Suspend Request to Speak and Public Questions for the duration of Council meetings until after the Election and it becomes safe to remove the COVID social distancing restrictions
- Speakers to provide Council with pre-recorded statements as well as written statements
- Limit Request to Speak for 30 mins out of the 2 hours
- Councillor speaking times be limited
- Virtual Council meetings
- Make copies of Request to Speaks statements available to the councillors prior to the meetings and publish them on Council's website rather than reading them out or playing the recordings at the meeting.

By either placing additional limitations on, or suspending Request to Speak, neither option impinges on the community who will continue to have access to Councillors and the administration via the normal communication channels.

**Resolution (CO2020/135)**

That Council:

1. Notes the escalating seriousness and incidence of COVID-19 infections in Victoria and endorses the changes that have been made to date to the Council meeting processes, including to the public participation components, live streaming of the meetings and reduction in Councillor speaking times, in order to limit potential exposure to the infection for those in attendance.
2. Commits to ensuring that Council meetings during the remainder of the COVID-19 period do not exceed a time limit of two hours in duration.
3. Temporarily amends the Request to Speak process to require speakers to submit pre-recorded videos of their statements (additional to the written statements). Speakers to be limited to a maximum of two (2) agenda items, with a speaking limit of two (2) minutes per each item; and the cut off time for submitting Request to Speak statements (pre-recorded and written) be changed from 12.00pm on the day of the Council meeting, to 10.00am on the meeting day.
4. Endorses the CEO's action in applying the changes to the public participation process from the meeting scheduled for 27 July 2020 and any subsequent meeting for the duration of the COVID-19 Pandemic restrictions.
5. Authorises the CEO, in consultation with the Mayor, to take any action or make further adjustments to the Council meeting processes as may be required in this quickly changing environment, to ensure public safety and improve the running of the meetings.

Moved: Cr Tom Melican

Seconded: Cr Mark Di Pasquale

CARRIED



## 7.2 REVIEW OF CENTRALISED AND ANNUALISED VALUATIONS

**Kevan Hill spoke on the item via pre-recorded video.**

### EXECUTIVE SUMMARY

The *State Taxation Acts Further Amendment Act 2017* was passed on 14 December 2017 which included changes to the *Valuation of Land Act 1960*. This ultimately saw a move from biennial valuations undertaken by Council, to annualised valuations undertaken by the Valuer General (VG).

Council transitioned in to the new arrangement from 1 July 2018, however maintained the employment of the City Valuer, Valuer and Valuers Assistant through to the end of December 2018. The first cycle under the VG commenced in January 2019.

A temporary appointment was made in July 2019 for a Senior Valuation Officer to manage the contract with the VG, prepare supplementary valuations and undertake non-statutory functions to meet business needs.

This report reviews the financial impacts to Council over a full twelve-month period under this new arrangement, being 1 July 2019 to 30 June 2020.

### Resolution (CO2020/136)

That Council:

1. Note the report which reviews the financial impacts to Council and compares the performance outcomes over the full twelve-month period under the new arrangements.
2. Writes to the Valuer General seeking an update on the finalisation of the Draft Memorandum of Understanding (MOU) with Council on the valuation service which has been on hold since November 2019.
3. Continues with an 'in-house' valuations position to manage the contract with the Valuer General, prepare supplementary valuations and undertake a range of non-statutory functions.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

### 7.3 PROPOSED BUDGET 2020/21 DECLARATIONS

#### EXECUTIVE SUMMARY

The Proposed Budget 2020/21 (Budget) has been prepared to deliver the Proposed Council Plan 2017-2021 (Year 4) objectives, which set the overall strategic direction for Banyule. The Budget comprises services, initiatives and capital works across the municipality.

Consideration to adopt the proposed Budget 2020/21 with or without amendment is included in this agenda.

The need for Councillors to disclose a conflict of interest where one exists in relation to any of the Budget services or capital works requires that they be addressed separately as part of the Budget process.

Any item in which a Councillor discloses a conflict of interest are to be dealt with by separate resolution under this 'Budget Declarations' process.

Once all disclosures have been made and the items which are the subject of any disclosure are determined by the Council, all Councillors are able to vote on the Budget 2020/21.

This report provides an opportunity for Councillors to disclose any conflicts in relation to the Budget.

#### **Resolution (CO2020/137)**

That it be noted no Councillors disclosed a conflict of interest in relation to any item of the Budget.

Moved: Cr Tom Melican  
Seconded: Cr Craig Langdon

CARRIED

## 7.4 ADOPTION OF BANYULE CITY COUNCIL'S BUDGET 2020/2021

**Kevan Hill spoke on the item via pre-recorded video.**

### EXECUTIVE SUMMARY

This report is presented for the adoption of Banyule City Council's Budget for 2020/21 in accordance with the *Local Government Act 1989* (the Act) and *Local Government (Planning and Reporting) Regulations 2014* (the Regulations) and to declare the amount which the Council intends to raise by general rates and charges.

Council has prepared its Proposed Budget 2020/21 focusing on long term financial sustainability. The Budget will ensure Council's finances remain sustainable and that appropriate resources are allocated to meet the services and capital requirements of the City. This Budget, having considered public submissions and other information (including COVID-19 impacts) works to provide a range of high-quality services, programs and initiatives that meet community needs, and to achieve Council's Vision for the community.

With the COVID-19 pandemic creating uncertainty and changing day by day, the proposed Budget 2020/21 has been updated as a result of the need to support external and internal influences. Council is proud of the way they and the community are responding to the COVID-19 crisis, galvanising to support one another through these challenging times. Council is rolling out a \$10.5 million Economic Support Package in 2020/21 to provide targeted support to those most affected by the pandemic. The package aims to protect staff health and wellbeing; minimise Council service disruption; maintain financial sustainability; support the local community; and support the local economy.

The Budget will ensure Council's finances remain sustainable and that appropriate resources are allocated to meet the services and capital requirements of the City and Council will continue to adapt its services to prevent the spread of COVID-19 and do all it can to provide support to the community as the virus impacts our way of life.

Following the public exhibition period changes have been incorporated into the Proposed Budget 2020/21 (attached). The changes are based on the outcome of Council's consideration of public submissions to the exhibited Proposed Budget at a Council Meeting on Monday, 6 July 2020 and attention of items that have been referred for inclusion in the Proposed Budget 2020/21 within the interim period (i.e. prior to Council adopting the Proposed Budget).

### **Resolution (CO2020/138)**

That

1. Council having considered all submissions received and having complied with the requirements of sections 127, 129 and 130 of the *Local Government Act 1989*, adopt the attached Proposed Budget 2020/21 with the following amendments:
  - a. The outcomes of Council's consideration of public submissions for the Proposed Budget 2020/21
  - b. Items that have been referred to the Proposed Budget 2020/21 by reports to Council which require additional funding not considered during the budget development process.
  - c. Other modifications including changes to service delivery, capital works and initiative costings and revision of fees & charges.

2. In accordance with sections 158 and 161 of the *Local Government Act 1989*, Council declare the Rates, Levies and Annual Service Charges for the 2020/21 rating year commencing 1 July 2020 and ending 30 June 2021 as detailed in the Proposed Budget 2020/21.
3. Council will defer interest penalties that would be imposed in accordance with Section 172 (2) of *Local Government Act 1989* until 8 October 2020, at that date penalty interest will be calculated from the day that interest was last imposed for all previous year debts and from the due date of the 1<sup>st</sup> instalment for current year debt.
4. Council will hold all planned increases in non-statutory fees and charges as outlined in the 2020/21 Schedule of Fees and Charges until 1 January 2021.
5. Council write to all organisations funded in the budget regarding the funding they will receive.
6. Council give public notice of the adoption of the Budget 2020/21 in accordance with section 130 (2) of the *Local Government Act 1989*.
7. A copy of the adopted Budget 2020/21 be provided to the Minister for Local Government in accordance with section 130 (4) of the *Local Government Act 1989*.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

## 7.5 ADOPTION OF BANYULE'S COUNCIL PLAN 2017-2021 (YEAR 4)

### EXECUTIVE SUMMARY

This report is presented for the adoption of Banyule's Council Plan 2017-2021 (Year 4), which strives to achieve Council's Vision for its community of: '***Banyule, a green, sustainable and vibrant place for a healthy, connected and inclusive community.***'

The Proposed Council Plan 2017-2021 (Year 4) outlines the strategic direction and priorities for Banyule City Council under the objectives of People, Planet, Place, Participation and Performance. It sets the policy platform for Council and helps guide the services Council provides to the community. The **attached** Council Plan contains the Strategic Resource Plan for the next 4 year period.

The Plan is based on comprehensive consultation with the community, Councillors and staff, and is framed through a legislative context. Feedback has helped Council to plan specific key initiatives and priorities for the Council Plan, which encompasses the 2020/21 financial year.

Submissions received to the proposed Council Plan (and Budget 2020/21) have been formally 'heard' by Council at a Special Council Meeting on 17 June 2020 and 'considered' by Council at a Council meeting on 6 July 2020.

Having considered the submissions made, minor adjustments have been made to the proposed Council Plan to incorporate valuable feedback received and which respond to identified community needs.

Council is required to meet all legislative requirements and through this proposed Council Plan aims to best reflect the strategic direction and priorities of Council over the next 12 months, based on information known at the time of preparation of the proposed Council Plan.

Following Council's endorsement at the Special Council Meeting on 4 May 2020, Council has written to the Minister for Local Government in May 2020 to inform him that Council will consider adoption of adjustments to the Council Plan at its meeting on 27 July 2020, noting that this is an extension to the due date of 30 June 2020. This has enabled annual review of the Council Plan to integrate closely with the Budget and SRP review processes.

With the COVID-19 pandemic requiring Council to be adaptable, the proposed Council Plan has been updated as a result of the need to support external and internal influences.

Council is proud of the way they and the community are responding to the COVID-19 crisis, galvanising to support one another through these challenging times. To provide targeted support to those most affected by the pandemic, Council is rolling out a \$10.5 million Economic Support Package to help ratepayers, residents, community groups and businesses. The package aims to protect staff health and wellbeing; minimise Council service disruption; maintain financial sustainability; support the local community; and support the local economy. Council will continue to adapt its services to prevent the spread of COVID-19 and do all it can to provide support to the community as the virus impacts our way of life.

**Resolution (CO2020/139)**

That:

1. Council, having considered all submissions received and having complied with the requirements of sections 125 and 126 of the *Local Government Act 1989*, adopt the Council Plan 2017-2021 (Year 4) as attached to this report.
2. In accordance with the *Local Government Act 1989*, a copy of Banyule's Council Plan 2017-2021 (Year 4) be provided to the Minister for Local Government.

Moved: Cr Tom Melican

Seconded: Cr Mark Di Pasquale

CARRIED

**7.6 ASSEMBLY OF COUNCILLORS****EXECUTIVE SUMMARY**

Assembly of Councillors were previously required by the Local Government Act 1989, this section has now been repealed.

Council at its meeting on 15 July 2020 resolved to continue to consider reports of Councillor attendance at Briefings and Advisory Committee meetings until such time as the new requirements are provided for in the adoption of the new Governance Rules.

**RECORD OF MEETINGS**

<b>1</b>	<b>Date of Assembly:</b>	13 May 2020
	<b>Type of Meeting:</b>	Banyule Disability and Inclusion Advisory Committee Online Advisory Committee Meeting
	<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>• Council response to pandemic lockdown</li> <li>• BDIAC response to lockdown</li> <li>• Recent work on disability from Community and Social planning</li> <li>• Discussion on impact of meeting online</li> </ul>
	<b>Councillors Present:</b>	
		Craig Langdon Tom Melican
<b>Staff Present:</b>		
	Theonie Tacticos - <i>Coordinator Community &amp; Social Planning</i> Michael Uniacke - <i>Community &amp; Social Planner</i>	

<b>Others Present:</b> Banyule Disability and Inclusion Advisory Committee members: Nick Bamford James Fahey Heidi Everett Barbara Brook Luke Nelson	
<b>Conflict of Interest:</b>	Nil

<b>2</b>	<b>Date of Assembly:</b>	4 June
	<b>Type of Meeting:</b>	LGBTIQ – Working Group Meeting
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Inclusive Employment Program/Inclusive Employment Strategy</li> <li>• IDAHOBIT 2020 Review</li> <li>• Updating the Rainbow Flag- using the Philadelphia Pride Flag</li> </ul>	
	<b>Councillors Present:</b> Craig Langdon	
	<b>Staff Present:</b> Kath Brackett – <i>Director Community Programs – Virtual</i> Gemma Boucher – <i>Community &amp; Social Planner</i> Lisa Raywood – <i>Manager Public Health Protection, Aged &amp; Community Planning</i> Kate Baker – <i>Inclusive Employment &amp; Volunteering Team Leader</i>	
<b>Others Present:</b> Lara Hunter Ilias Katis (Austin) Lachlan Harris Claire Flynn Paul Byrne-Moroney Ashleigh Keenan Megan Burke Michelle McNamara (TGV)		
<b>Conflict of Interest:</b>	Nil	

<b>3</b>	<b>Date of Assembly:</b>	29 June 2020
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	
<ul style="list-style-type: none"> <li>• NELP – General Discussion</li> <li>• Major Festivals Program – as a result of COVID-19</li> <li>• Draft Community Engagement Policy</li> <li>• Community Satisfaction Survey</li> <li>• Northern Health Navigator</li> <li>• COVID – 19 – General update</li> </ul>		

<b>Councillors Present:</b> Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican	
<b>Staff Present:</b> Allison Beckwith - <i>Chief Executive Officer</i> Kath Brackett – <i>Director Community Programs – Virtual</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> Nicole Maslin – <i>Manager Leisure, Recreation and Culture Services</i> Lisa Raywood – <i>Manager Public Health Protection, Aged &amp; Community Planning – Virtual Presentation</i> Clarissa Crupi – <i>Festivals Officer</i> Bridget Ruff – <i>Interim Integrated Planning Project Manager</i>	
<b>Others Present:</b> Nil	
<b>Conflict of Interest:</b>	Cr Rick Garotti – Matter: Northern Health Navigator (Item 5)

4	<b>Date of Assembly:</b>	6 July 2020
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>  Items on the Council Agenda for the Ordinary Meeting of 6 July 2020 (excluding confidential items) as listed below:  2.1 Petition for Zero Rate Rise for the 2020/2021 Financial Year 3.1 Draft Social Enterprise Strategy - for Public Exhibition 3.2 Draft Inclusive Local Jobs Strategy - for Public Exhibition 5.1 Planning Scheme Amendment C117 and C119 to make additions to the Significant Tree and Vegetation Register (ESO4) 5.2 101 Burgundy Street, HEIDELBERG - Alternative outcome for Mixed Use Development (P8/2019) 5.3 COVID - 19 Response - Community and Business Support Package 2020-2021 5.4 Land at Rear of 7A Curzon Street, Ivanhoe - Proposed Sale of Land 5.5 Bell Bardia and Tarakan Estates Renewal Project Masterplan 5.6 COVID-19 Stimulus Opportunities 6.1 Responding to the Federal Government's proposed Religious Discrimination Bill 7.1 2020 Council Elections Arrangements 7.2 Budget Submissions Declarations	



	7.3 Proposed Council Plan and Budget - Consideration of Submissions Received
	7.4 New Local Government Act 2020 - Implementation - Draft Governance Rules and Draft Public Transparency Policy - Commence Public exhibition
	7.5 Adoption of Revised 2020/2021 Rating Strategy
	7.6 Adoption of Revised Hardship Assistance Policy
	7.7 Assembly of Councillors
	7.8 Award of contract for contract no. 1055-2020 for construction of landscape and paving at Ivanhoe precinct redevelopment
<b>Councillors Present:</b>	
Alison Champion Mark Di Pasquale Craig Langdon Tom Melican Wayne Philips	
<b>Staff Present:</b>	
Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Scott Walker – <i>Director City Development</i> Gina Burden – <i>Manager Governance &amp; Communication</i> Emily Outlaw – <i>Council Business Team Leader</i> Paul Wilson – <i>Audit Support Officer</i> Luca Verduci – <i>Senior Digital Communications Officer</i> Neale Lawrence – <i>Youth Outreach &amp; Program Officer</i> Simon Eszesty – <i>Youth Services Inclusion Officer</i> Duncan Stephen – <i>Jets Sound Engineer/Program Assistant</i>	
<b>Others Present:</b>	
Nil	
<b>Conflict of Interest:</b>	Cr Wayne Phillips – Item 5.4 Land at Rear of 7A Curzon Street, Ivanhoe - Proposed Sale of Land

**Resolution (CO2020/140)**

That the Record of Councillor meetings report be received.

Moved: Cr Craig Langdon  
Seconded: Cr Tom Melican

CARRIED

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**7.7 CONTRACT NO 1049-2020 CONSTRUCTION OF DAREBIN CREEK TRAIL  
UPGRADE STAGE 1****EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1049-2020 for Construction of Darebin Creek Trail Upgrade Stage 1.

Council sought Tenders from suitably qualified and capable contractors to undertake the construction of Darebin Creek Trail from Dougharty Road to Southern Road. The extent of this Contract includes works necessary for the construction of the trail including concrete footpath construction and associated works.

Tenders were received from thirteen (13) contractors prior to the closing date.

The Tender Evaluation Panel (TEP) has recommended awarding the contract to Citywide Service Solutions Pty Ltd. for the lump sum price of \$ 726,166.98 (ex GST) in accordance with the tender and conditions as determined by Council.

**Resolution (CO2020/141)**

That:

1. The Contract No 1049-2020 for Construction of Darebin Creek Trail Upgrade next stage be awarded to Citywide Service Solutions Pty Ltd for the lump sum price of \$726,166.98 (excluding. GST).
2. The Director of Assets & City be authorised to sign the contract and any other associated documents.

Moved: Cr Craig Langdon  
Seconded: Cr Tom Melican

CARRIED

**8. SEALING OF DOCUMENTS**

Nil

**9. NOTICES OF MOTION**

Nil

## 10. GENERAL BUSINESS

### 10.1 VALE LARRY STEPHENS

Cr Tom Melican acknowledged the passing of a former Mayor of the City of Heidelberg Larry Stephens who passed away in July aged 80.

Larry served on The City of Heidelberg Council from 1986-94 and was elected Mayor in 1990. Larry was often described as 'The people's Mayor'

The City of Banyule offers our condolence to his wife of 57 years, Beverley, his son Dale, his daughter Cheryl and his entire family.

Larry was great community man and belong to many sporting and community groups. He was a great amateur footy person, giving long service and support to Banyule Football Club.

He was also involved with Heidelberg community radio station 96.5 InnerFM, where he presented a Saturday morning show dedicated to the VAFA during the mid-90s. He also served on the board of Banyule Community Health and a big-hearted, wise and loveable bloke he will be sadly missed by those who knew him.

Banyule is a better place due to the efforts and generosity of Larry Stephens.  
Rest in Peace.

### 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 11.1.

Moved: Cr Craig Langdon

Seconded: Cr Tom Melican

CARRIED

*The Meeting adjourned at 10.27pm.*

*The Meeting was closed to the public at 10.34pm.*

### Closure of Meeting

The Meeting was closed at 11.06pm.

DATED: ..... DAY OF ..... 2020

.....  
MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 17 August 2020.*

## PUBLIC QUESTION TIME

	<p><b>Name &amp; Suburb</b></p> <p>Emma Samuel – Ivanhoe</p>
	<p><b>Question:</b></p> <p>Will Council review the decision to no longer offer the service of printing the newsletters for Neighbourhood Watch Ivanhoe, and if not will Council follow the same principles and revert the Banyule Banner and Councillor ward newsletters to online publications only?</p>
	<p><b>Response:</b></p> <p><i>Marc Giglio – Director Corporate Services</i></p> <p><i>Council have assisted Neighbourhood Watch Victoria (NWW) for many years with photocopying of their monthly newsletters. Newsletter volume and requirements have increased over time and Council. COVID – 19 has impacted on the ability for staff to physically attend Council Offices to print and distribute the newsletters.</i></p> <p><i>Council are currently working with representatives of Banyule Neighbourhood Watch to develop a transition plan to move to more sustainable options.</i></p> <p><i>Council are continually reviewing the printing of publications and currently distribute a number communications in an online format to minimise our environmental impact.</i></p>

	<p><b>Name &amp; Suburb</b></p> <p>Kevin Biaggini – Ivanhoe</p>
	<p><b>Question:</b></p> <p>How does Council justify the cost for an additional 80 litre bin service (referring to page 125 of 221 of the Council budget document the charge for an additional service for a 80 litre residential bin is \$234.75) to struggling ratepayers trying to cope with additional waste generated during the pandemic, whilst its citizens are working from home?</p>
	<p><b>Response:</b></p> <p><i>Geoff Glynn – Director Assets &amp; City Services</i></p> <p><i>The \$218.42 per annum cost for the waste service (i.e 80 litre garbage weekly, 240 litre Recycling fortnightly, 240 litre Greenwaste fortnightly and 2 Hardwaste collections) is the annual cost per service for the 2019/20 financial year. The additional 80litre bin cost of \$234.75 referenced in the question, is the cost of an additional service to the household which includes an additional 80 litre garbage weekly, 240 litre Recycling fortnightly, 240 litre Greenwaste fortnightly and 2 Hardwaste collections. The reason for increase from the 2019/20 cost is due to an increase in the landfill levy from the 1<sup>st</sup> January 2021 and increases to landfill and green waste gate fees.</i></p>

	<p><b>Name &amp; Suburb</b></p> <p>David Mulholland – Heidelberg Heights</p>
	<p><b>Question:</b></p> <p>Will Banyule Council be transparent and reveal the total cost to Banyule ratepayers of the Supreme court case associated with the North East Link project in legal and other costs, and the “sweeteners worth millions of dollars” being offered to Banyule to drop this case?</p>
	<p><b>Response:</b></p> <p><i>Scott Walker – Director City Development</i></p> <p><i>Council has given regular updates on the costs associated with the North East Link project. In the most recent update report from the Council meeting of 15 June 2020, it was indicated that an additional \$150,000 of funding and resources had been allocated to undertake a legal challenge in the Supreme Court of Victoria. Council is still actively participating in court directed mediation as part of the legal challenge with the aim to get a better outcome for the community.</i></p>

	<p><b>Name &amp; Suburb</b></p> <p>Katrina North – Greensborough</p>
	<p><b>Question:</b></p> <p>Would Banyule Council agree to supporting a fairer and more accessible Refugee Community Sponsorship program in Australia by passing a motion calling on the Federal Government to enhance this program?</p>
	<p><b>Response:</b></p> <p><i>Kath Brackett – Director Community Programs</i></p> <p><i>Banyule Council has an Inclusion Access and Equity Frame work that articulates Council’s commitment to its diverse communities and guides the work that is undertaken. As a result this Framework and the associated Multicultural Plan, Council has participated in a number of initiatives and projects that support refugees and asylum seekers. This includes being a Refugee Welcome Zone, an initiative coordinated by the Refugee Council of Australia, as well as being a member of the Mayoral Taskforce Supporting People Seeking Asylum. Banyule Council also has a strong history of advocating to the Federal Government on issues such as support for asylum seekers during Covid19, as well as celebrating World Refugee Day.</i></p> <p><i>The request for Council to support a fairer and more accessible Refugee Community Sponsorship Program is aligned with previous work done in this space. However further work is required to assess what advocacy opportunities are available to determine the most effective approach to take.</i></p>

<p><b>Name &amp; Suburb</b></p> <p>Roger Fyfe – Ivanhoe</p>
<p><b>Question:</b></p> <p>What process did Council follow in identifying a pocket park location in Ivanhoe, including informing the public of the location, before the funding of \$1.3 million was obtained from the State government?</p>
<p><b>Response:</b></p> <p><i>Geoff Glynn – Director Assets &amp; City Services</i></p> <p><i>The start of the process was the launch State Government’s Local Parks Program, which specified a list of State Electorate Districts (including the Ivanhoe Electorate) that were eligible to apply for funding to construct local Parks.</i></p> <p><i>Officers began investigating opportunities within this area that both met the grant requirements and were also in keeping with the Ivanhoe Structure Plan. The Ivanhoe Structure Plan (revised December 2014) included extensive community consultation with over 1600 people involved through consultation sessions and submissions. The structure plan identifies this area as one of seven proposed public squares.</i></p> <p><i>The Waterdale Road project is consistent with Council’s adopted plans and strategies and met the funding program criteria to deliver community outcomes of creating new open space in and around activity centres, as such an application was submitted.</i></p>

<p><b>Name &amp; Suburb</b></p> <p>Emilia Williams – Rosana</p>
<p><b>Question:</b></p> <p>When the Ivanhoe Library and Community Hub is completed and opens, will Rosanna Library close? If it does close what will happen to the site and the surrounding area?</p>
<p><b>Response:</b></p> <p><i>Kath Brackett – Director of Community Programs</i></p> <p><i>There are no plans to close the Rosanna library which is a very important and valued component of Banyule’s Library services.</i></p> <p><i>The Council and the Yarra Plenty Regional Library recognise that the existing building and facilities are aging and will be working together over the next 6 months to identify priorities so that a plan for future upgrade can be developed that supports an inclusive and accessible library service to meets future needs and demands.</i></p>

	<p><b>Name &amp; Suburb</b></p> <p>Jenny Mulholland - Ivanhoe</p>
	<p><b>Question:</b></p> <p>Given that a second spike of the Covid-19 virus has now hit Banyule hard (140 active cases as at Friday 24th July) will Council immediately and urgently reimplement the important cleaning regime across all Banyule shopping centres so that it becomes a normal part of Banyule's cleansing program during the Pandemic, now that the Working For Victoria's Cleaning Blitz Project is coming to an end?</p>
	<p><b>Response:</b></p> <p><i>Geoff Glynn – Director Assets &amp; City Services</i></p> <p><i>The Working For Victoria's Cleaning Blitz Project was introduced as a short term measure to help slow the spread of coronavirus and support local jobs in preparation for the initial easing of restrictions. The program was fully funded by the State Government.</i></p> <p><i>Following the ceasing of that program by the State Government, Council has submitted an application to the State for funding under the Working for Victoria Program for a range of positions including cleansing activities. The State Government has not yet announced the next round of funding for the program and once known Council will be able to revisit the cleansing service to compliment these activities.</i></p> <p><i>Although the risk of COVID-19 will remain until a vaccine is found, the diligence shown by all Victorians to follow advice of the Department of Health on how to minimise the risk of infection is considered the best approach to stay safe.</i></p>

	<p><b>Name &amp; Suburb</b></p> <p>Kevan Hill – Ivanhoe</p>
	<p><b>Question:</b></p> <p>Council advises that 2,430 residential properties do not receive a standard waste collection service despite paying for such service via Council rates. What is the seven Ward distribution and what will be nine Ward distribution of the 2,430 properties?</p>
	<p><b>Response:</b></p> <p><i>Geoff Glynn – Director Assets &amp; City Services</i></p> <p><i>To establish the numbers across the current wards and the proposed new wards, a report needs to be developed from our rates database. Once the report has been developed, the answer to the question will be provided as requested.</i></p>



<b>Name &amp; Suburb</b> Nola McDowell - Ivanhoe
<b>Question:</b> Has Council undertaken any 'before' traffic counts including truck traffic in the residential streets of Viewbank and Yallambie generally, especially in Yallambie Road, Martins Lane, Graham Rd and will there be any additional traffic management measures funded by the North East Link Authority as compensation for the North East Link Tollway link going ahead?
<b>Response:</b> <i>Scott Walker – Director City Development</i>  <i>The North East Link Environmental Performance Requirements requires traffic monitoring to be undertaken on selected arterial and non-arterial roads at six monthly intervals during construction, and up to two years after construction is complete. Any material adverse traffic impact of the project is required to be mitigated by implementing local area traffic management strategies, which may include works. Council has recent traffic data for the three roads specifically listed.</i>