

Minutes of the Ordinary Meeting of Council



Held on the 17 July 2023

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

PRESENT	3
APOLOGIES.....	3
LEAVE OF ABSENCE	3
CONFIRMATION OF MINUTES.....	3
DISCLOSURE OF INTERESTS	3
PRESENTATION	3
1. URGENT BUSINESS.....	3
2. PETITIONS.....	3
Nil	
3. OUR TRUSTED AND RESPONSIVE LEADERSHIP	4
3.1 Watsonia Town Square - Award of Construction Contract No. 1291-2023	4
3.2 Record of Councillor Meetings	5
4. OUR INCLUSIVE AND CONNECTED COMMUNITY	8
4.1 Adoption of the Banyule Community Fund Granting Framework and Assessment Panel Terms of Reference	8
5. OUR SUSTAINABLE ENVIRONMENT.....	10
5.1 Kerbside Contamination Management Policy.....	10
6. OUR WELL-BUILT CITY	12
6.1 9 The Panorama, Eaglemont - New Dwelling in the Significant Landscape Overlay (P1/2023).....	12
6.2 2-8 Glenmore Street, 44-50 Highview Crescent & 35 Thornton Street, Macleod - Proposed aged care development (P58/2021).....	25
7. OUR VALUED COMMUNITY ASSETS AND FACILITIES.....	42
Nil	
8. OUR THRIVING LOCAL ECONOMY	42
8.1 Consideration of Submissions and Objection received - East Ivanhoe Village Special Charge Renewal.....	42
8.2 Consideration of Submissions received - Ivanhoe Shopping Centre Special Rate and Charge Renewal.....	43
8.3 Jobs Victoria Advocate Program Close Out	45
9. NOTICES OF MOTION.....	46
9.1 Options Paper for the establishment of a Planning Delegated Committee of Council.....	46
9.2 Improving walking and cycling access to all schools in Banyule.....	46
10. GENERAL BUSINESS	47
PUBLIC QUESTION TIME	48
CLOSURE OF MEETING.....	52
MINUTES	

The Meeting opened at 7.04pm.

Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Present

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

Allison Beckwith – Chief Executive Officer, Darren Bennett – Director Assets & City Services, Kath Brackett – Director Community Wellbeing, Marc Giglio – Director Corporate Services, Joel Elbourne – Acting Director City Development, Krysten Forte – Governance Coordinator, Linda Chapple - Governance & Council Business Specialist, Sukhpreet Sidhu - I.T Technical Analyst, Duncan Stephen – Jets Facility & Technical Officer, Krishan Meepe – Jets Youth Program Officer, Fletcher Coburn – Governance Customer Support Officer.

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 26 June 2023

Moved: Cr Rick Garotti

Seconded: Cr Fiona Mitsinikos

CARRIED

Disclosure of Interests

Councillor Rick Garotti declared a material conflict of interest for Item 6.2. and was not present for the vote.

Presentation

Nil

1. URGENT BUSINESS

Nil

2. PETITIONS

Nil

Procedural Motion – Reorder of Council Agenda Papers

That Council reorder the business in the agenda to allow for item 6.2 to be brought forward at the start of the meeting.

Moved: Councillor Tom Melican
seconded: Cr Peter Dimarelos
CARRIED

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

3. OUR TRUSTED AND RESPONSIVE LEADERSHIP**3.1 WATSONIA TOWN SQUARE - AWARD OF CONSTRUCTION CONTRACT NO. 1291-2023**

Jeremy Richards from Watsonia Traders Association is addressing Council in person and is speaking FOR the Officer recommendation.

SUMMARY

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

RECOMMENDATION

That Council:

1. Award Contract No. 1291-2023 - Construction of Civil Works for Watsonia Town Square to Evergreen Civil for \$6,362,886.34 (ex. G.S.T) for a period of 12 months.
2. Authorise the Chief Executive Officer and Director City Development to sign the contract and any other associated documents.
3. Authorise the Chief Executive Officer and Director City Development to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the conclusion of the initial 1 year contract term.

Resolution (CO2023/120)

That Council:

1. Award Contract No. 1291-2023 - Construction of Civil Works for Watsonia Town Square to Evergreen Civil for \$6,362,886.34 (ex. G.S.T) for a period of 12 months.
2. Set a target for the successful tenderer to complete the substantive works by end of June 2024, whilst still ensuring works are staged to minimise disruption between commencement and the busy Christmas Trading period.
3. Authorise the Chief Executive Officer and Director City Development to sign the contract and any other associated documents.
4. Authorise the Chief Executive Officer and Director City Development to award extensions of this Contract, subject to review of the Contractor’s performance and Council’s business needs, at the conclusion of the initial 1 year contract term.
5. Notes the significance of this project, which is identified as one of Council’s Major Projects, and the commitment provided by the organisation in delivering this project with the direct oversight of the Director City Development to mitigate any risks and concerns identified by the key stakeholder and Council.

Moved: Cr Mark Di Pasquale

Seconded: Cr Rick Garotti

CARRIED

3.2 RECORD OF COUNCILLOR MEETINGS

SUMMARY

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

If there is a meeting of Councillors that:

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

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

Record of Meetings

1	Date of Meeting:	8/06/2023, 6pm
	Type of Meeting:	Banyule Environment and Climate Action Advisory Committee Meeting (BECAAC)

Matters Considered:	
<ol style="list-style-type: none"> 1. State of the Environment Report 2. Community Batteries 3. Adaptation and Corporate Emissions 4. Biodiversity Working Group 5. Urban Food Working Group 6. North East Link 	
Councillors Present:	
Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern	
Staff Present:	
Damien Harrison - <i>Environment Coordinator</i> Ellie Hall - <i>Community Climate Action Lead</i>	
Others Present:	
BECAAC Members: Paul Gale Baker Vicky Rowe Alex Tzikas Kellie Watson Michelle Giovas	
Conflict of Interest:	Nil

2	Date of Meeting:	26/06/2023, 5:30pm
	Type of Meeting:	Pre-Brief Council Meeting
	Matters Considered:	
<ol style="list-style-type: none"> 2.1 Petition: Banyule Council to Provide a Community Centre for the Eaglemont Community 3.1 Governance Rules Stage 2 Review 3.2 Proposed Annual Budget 2023-2027 - Declarations of Conflicts Interest 3.3 Council Plan 2021-2025 - Adoption of Year 3 Annual Action Plan 2023/2024 3.4 Adoption of Revenue and Rating Plan 2024-2027 3.5 Adoption of Rates Hardship Assistance Policy 2023-2024 3.6 Adoption of Banyule City Council Budget 2023-2027 3.7 Award of Contract No. MAV NPN04-13 Supply of Waste Trucks 3.8 Direct Purchase of two (2) Waste Trucks 3.9 Record of Councillor Meetings 4.1 Public health concerns surrounding the retail of e-cigarettes and vapes and Council's advocacy options 5.1 Draft Urban Food Strategy: Endorsement for Public Exhibition 6.1 Interim Social and Affordable Housing Policy 		

	<p>6.2 Housing Discussion Paper</p> <p>7.1 Community Infrastructure Plan</p> <p>7.2 Adoption of Banyule Aquatic Strategy</p> <p>8.1 Update on Parklets Program and Adoption of Parklet Policy</p> <p>8.2 Update on Extended Outdoor Dining Permits</p> <p>9.1 Notice of Motion - Advocacy options for Council regarding Statutory Planning Matters under the Planning & Environment Act 1987</p>		
	<p>Councillors Present:</p> <p>Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Alison Champion Cr Peter Dimarelos – arrived at 5:58pm Cr Mark Di Pasquale Cr Rick Garotti Cr Tom Melican Cr Fiona Mitsinikos</p>		
	<p>Staff Present:</p> <p>Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Krysten Forte – <i>Governance Coordinator</i> Karen Leeder - <i>Manager City Futures</i> Linda Chapple – <i>Governance & Council Business Specialist</i> Rachael Hudson – <i>Council Business Officer</i></p>		
	<p>Others Present:</p> <p>Nil</p>		
	<table border="1"> <tr> <td>Conflict of Interest:</td> <td>Nil</td> </tr> </table>	Conflict of Interest:	Nil
Conflict of Interest:	Nil		

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

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

RECOMMENDATION:

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

Resolution (CO2023/121)

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

Moved: Cr Mark Di Pasquale

Seconded: Cr Rick Garotti

CARRIED

4. OUR INCLUSIVE AND CONNECTED COMMUNITY**4.1 ADOPTION OF THE BANYULE COMMUNITY FUND GRANTING FRAMEWORK AND ASSESSMENT PANEL TERMS OF REFERENCE****SUMMARY**

1. The purpose of this paper is to seek Council's adoption of the Banyule Community Fund (BCF) Granting Framework and Assessment Panel Terms of Reference and endorse the BCF Priority Area recommendations for 2023 and 2024.
2. At the 25 October 2021 Council meeting Council resolved to establish the Banyule Community Fund (BCF), a philanthropic fund in partnership with the Australian Communities Foundation (ACF) as the trustees.
3. The BCF will enable businesses, organisations, and individuals to make taxable and non-taxable donations and will have a strong focus on building the capacity of our

community, where social, environmental, and cultural justice is maximised across our corporate and community sectors.

4. The funds raised will be granted back out into local non-profit causes, meaning all funds will be raised locally and spent locally.
5. The BCF has now been registered as a philanthropic fund named under the Auspice of ACF. As trustees of the Fund, ACF will provide strong oversight and governance structures of the BCF. ACF will complete all the administrative work including compliance and due diligence and will have legal responsibilities for the donated funds.
6. To guide Council with the administration and decision-making processes a Draft Banyule Community Fund Granting Framework (**Attachment 1**) has been developed. The Framework provides guidelines for Council, potential donors, BCF recipients and the wider community in relation to the BCF.
7. ACF require Council to have two dedicated BCF Advisors as follows:
 - o **BCF Advisor 1** is required to be a senior officer with delegation powers and is the ultimate decision maker for the allocation of the BCF. To align with delegations outlined in Council's Community Grants Guidelines and the Banyule Grants Program Policy February 2022, the BCF Advisor 1 is the Director of Community Wellbeing.
 - o **BCF Advisor 2** is the project worker for the BCF and is responsible for coordinating the fund within Council. The Banyule Community Fund Development Officer is BCF Advisor 2.
8. To ensure the BCF is allocated fairly and transparently a BCF Assessment Panel will be established. The role of the Panel is to assess all grant applications and make recommendations on which applicants should be allocated funds. The recommendations will then be provided to the BCF Advisor 1 for their consideration, as the ultimate decision maker for the BCF. A Draft BCF Assessment Panel Terms of Reference (**Attachment 2**) has been developed.
9. Council is responsible for determining the priority areas for the BCF allocation of funds and will be required to review and decide on future priority areas.
10. BCF will largely be promoted through a range of communication mediums to engage the wider Banyule community, with more targeted promotional activities and events, to attract key external stakeholders and future donors.
11. A formal launch of the BFC is scheduled to take place in September 2023. This will be Council's key community engagement and promotional event to attract potential donors and engage the wider Banyule community.
12. It has been identified that a Gender Impact Assessment (GIA) for the BCF Framework will be completed retrospectively to assess the impacts of gender and diversity in the implementation of the Framework. The GIA will be completed by September 2023.

RECOMMENDATION

That Council:

1. Adopt the Banyule Community Fund Granting Framework (**Attachment 1**).
2. Adopt the Banyule Community Fund Assessment Panel Terms of Reference (**Attachment 2**).
3. Endorse the following BCF Priority Areas for where funds will be allocated in 2023 and 2024. These priorities have been identified as areas of need that will benefit from gaining additional resources:

- Community connectedness and inclusion
- Mental health supports
- Food security
- Housing and homelessness
- Emergency relief
- Climate Change and Environmental Sustainability
- Arts and culture

Resolution (CO2023/122)

That Council:

1. Adopt the Banyule Community Fund Granting Framework (**Attachment 1**).
2. Adopt the Banyule Community Fund Assessment Panel Terms of Reference (**Attachment 2**).
3. Endorse the following BCF Priority Areas for where funds will be allocated in 2023 and 2024. These priorities have been identified as areas of need that will benefit from gaining additional resources:
 - Community connectedness and inclusion
 - Mental health supports
 - Food security
 - Housing and homelessness
 - Emergency relief
 - Climate Change and Environmental Sustainability
 - Arts and culture
 - People with a disability
4. Note that Council will receive an annual report outlining donations, number and nature of enquiries, regarding donations, successful grant submissions and other achievements of the Banyule Community Fund and including the Council resources to support the fund.

Moved: Cr Alida McKern

Seconded: Cr Rick Garotti

CARRIED

5. OUR SUSTAINABLE ENVIRONMENT

5.1 KERBSIDE CONTAMINATION MANAGEMENT POLICY

SUMMARY

1. Council provides a three-bin kerbside waste service, the contents of two (2) of the three (3) bins (Recycling and Food Organics & Garden Organics) can be recycled and therefore diverted from landfill.

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

RECOMMENDATION

That Council:

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

Resolution (CO2023/123)

That Council:

1. Adopts the Kerbside Contamination Management Policy (**Attachment 1**).
2. Notes the Frequently Asked Questions (FAQ) document (**Attachment 3**) explains the Policy's intent, methodology, and support technology which will be published in the Banyule Banner and on Council's website.
3. Request Officers to investigate and present back to Council in a report the cost of providing stickers to residents that show permissible and non-permissible items for each kerbside service to enhance the proactive education to the community on contamination.
4. Note that a report will be brought back to Council in 12 months time detailing progress on implementation of the policy.

Moved: Cr Alida McKern
Seconded: Cr Peter Castaldo

CARRIED

Cr Mark Di Pasquale called for a **Division** after the vote was Carried.

FOR: Cr Alison Champion, Cr Peter Dimarelos, Cr Tom Melican, Cr Alida McKern, Cr Peter Castaldo, Cr Fiona Mitsinikos, Cr Rick Garotti, Cr Elizabeth Nealy

AGAINST: Cr Mark Di Pasquale

CARRIED

6. OUR WELL-BUILT CITY

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

John Glossop from Glossop Town Planning addressed Council in person and was speaking FOR the Officer recommendation.

A written statement was read out on behalf of Nerolie & Stuart Ross who were AGAINST the recommendation

SUMMARY

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

RECOMMENDATION

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

General plans

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

Modifications include:

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

Layout Not to Be Altered

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

Landscape Plan

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

the Landscape Plan prepared by John Patrick Landscape Architects dated 24/2/2023 but modified to include:

- (a) Amendments required by Condition 1 of this permit;
- (b) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
- (c) Increased screen planting to the north boundary adjacent to the driveway and garage;
- (d) Increased screen planting of varying heights and species incorporated through the length of the southern boundary;
- (e) A minimum of one small indigenous canopy tree (mature height of at least 5m) to the southern setback of the 'entry lounge' wall;
- (f) The 'Jacaranda mimosifolia' deleted from the front setback and replaced with a large canopy tree (mature height of at least 12m), planted at a semi-advanced state (minimum pot size 40 litre) of a species selected from the list below:
 - Eucalyptus melliodora* - Yellow Box
 - Eucalyptus polyanthemos* - Red Box
 - Eucalyptus rubida* – Candlebark
 - Eucalyptus ovata* – Swamp Gum
 - Eucalyptus blakelyi* – Blakely's Red Gum
 - Eucalyptus leucoxylon subsp. megalocarpa* - Yellow Gum
 - Eucalyptus mannifera* – Red Spotted Gum
 - Brachychiton populneus* – Kurrajong
- (g) The 'Arbutus glandulosa' in the front setback deleted and replaced with a small indigenous shade tolerant canopy tree (mature height of at least 5m);
- (h) The 'Acer rubrum' at the northwest corner of the site, replaced with a medium – large indigenous, evergreen canopy tree (mature height of at least 8m), planted at a semi-advanced state (minimum pot size 16 litre);
- (i) Planting adjacent to the driveway and within landscaping zones to consist of varying heights and species;
- (j) An indigenous and/or drought tolerant planting theme;
- (k) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (l) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;

Urban Design

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

No Damage to Vegetation

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

Vegetation Retention

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

Tree Protection Zone

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

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

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

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
 - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required;
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority;

- v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible;
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority;
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area;
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;
 - ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
 - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
 - xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;
 - xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority;
- (b) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
- i. A suitably qualified project Arborist (min. AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future.
 - ii. All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not excavate or alter the existing ground level or topography of the land greater than 10% within 2.5m of the north boundary fence where within the TPZ of tree #8.
 - iii. Any root severance within a TPZ must be undertaken by the project Arborist in accordance with the Australian Standard AS4373-2007 Pruning of Amenity Trees, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority.
 - iv. Any tree pruning is to confirm to AS4373-2007 Pruning of Amenity Trees, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority.
 - v. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

Specific Tree Protection Measures

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

No Damage to Vegetation

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

Vegetation Retention

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

Drainage General

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

Approved Drainage Outlet

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

Expiry of permit

14. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two years of the date of this permit; and
 - (b) The development is not completed within four years of the date of this permit.

PERMIT NOTES

(A) Permit Extension

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

(B) ResCode Assessment not Undertaken

This application has not been assessed against Clause 54 of the Banyule Planning Scheme (ResCode). Assessments should be undertaken by the relevant building surveyor.

(C) Building Permit Required

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

(D) Building over Easement

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

(E) Copy of Endorsed Plans to Building Surveyor

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

(F) Memorandum of Consent for Works

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

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

Resolution (CO2023/124)

That Council

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

General plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the advertised plans submitted 16/3/2023 with the application but modified to show:

- (a) The design modifications as detailed in discussion plans (TP02 – TP07 Rev. B - received at Council 9/6/2023) included on all relevant plans, to the satisfaction of the Responsible Authority.

Modifications include:

- i. The ground floor butler and laundry room walls setback a minimum of 1.2m from the south boundary;
 - ii. The ground floor cellar & entry lounge walls setback a minimum of 2.5m from the southern boundary;
 - iii. The garage setback a minimum of 7.5m from the front boundary;
 - iv. The garage wall setback a minimum of 1.04m from the north boundary;
 - v. The 'entry lounge' setback a minimum of 8.5m from the front boundary; and
 - vi. Associated changes to the dwelling layout required by the above.
- (b) The location of tree protection zones and structural root zones for Tree #8 shown on all relevant plans;
- (c) The area analysis table at Plan TP03 – Rev. B updated to reflect the revised area analysis calculations at Plan TP08 – Rev. B;
- (d) All relevant tree sensitive construction methods including surface treatments, annotated on the plans;
- (e) The location for any split system air conditioner units and/or hot water systems at ground level to minimise visibility from the public realm and neighbouring properties;
- (f) A plan notation indicating that no building works or facilities are to be provided within the dedicated landscape areas;
- (g) An Amended Landscape Plan in accordance with Condition 3 of this permit; and
- (h) Tree Preservation Fencing in accordance with Condition 8 of this permit
- (i) Modification to the vehicle crossing to reduce the width of the vehicle crossing so that it is the minimum width necessary in accordance with Councils' Vehicle Crossing Policy
- (j) Modification to the driveway so that it is the minimum width necessary to manoeuvre in and out of the garage.

Layout Not to Be Altered

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

Landscape Plan

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

specified;

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

Urban Design

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

No Damage to Vegetation

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

Vegetation Retention

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

Tree Protection Zone

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

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

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

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;

- ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required;
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority;
 - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible;
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority;
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area;
 - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;
 - ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
 - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
 - xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;
 - xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority;
- (b) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
- i. A suitably qualified project Arborist (min. AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future.
 - ii. All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not excavate or alter the existing ground level or topography of the land greater than 10% within 2.5m of the north boundary fence where within the TPZ of tree #8.
 - iii. Any root severance within a TPZ must be undertaken by the project Arborist in accordance with the Australian Standard AS4373-2007 Pruning of Amenity Trees, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority.
 - iv. Any tree pruning is to confirm to AS4373-2007 Pruning of Amenity Trees, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the

total live canopy of individual trees unless otherwise agreed in writing by the responsible authority.

- v. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.

Specific Tree Protection Measures

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

No Damage to Vegetation

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

Vegetation Retention

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

Drainage General

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

Approved Drainage Outlet

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

- vii. Within the road reserve must be carried out under a Memorandum of Consent for Works;
 - viii. Other than within a road reserve must be carried out under a Drainage Connection Permit.
- (b) This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

Expiry of permit

14. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two years of the date of this permit; and
 - (b) The development is not completed within four years of the date of this permit.

PERMIT NOTES

(A) Permit Extension

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

(B) ResCode Assessment not Undertaken

This application has not been assessed against Clause 54 of the Banyule Planning Scheme (ResCode). Assessments should be undertaken by the relevant building surveyor.

(C) Building Permit Required

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

(D) Building over Easement

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

(E) Copy of Endorsed Plans to Building Surveyor

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

(F) Memorandum of Consent for Works

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

- A "Memorandum of Consent for Works" for any works within the road reserve; and/or

- A “Drainage Connection Permit” for any works other than within a road reserve.

Moved: Cr Elizabeth Nealy

Seconded: Cr Peter Castaldo

CARRIED

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

Cr Garotti declared a material conflict of interest before this item was discussed and left the Chamber at 7.11pm.

Cr Garotti returned to the Chamber after a decision was made on this item at 7.36pm and was not present for the vote.

Cr Di Pasquale left the Chamber at 7.15pm and returned to Chamber at 7.16pm and was present for the vote.

Mary Marcon from Macleod Against Overdevelopment Action Group addressed Council in person and spoke AGAINST the Officer recommendation.

John Bahoric addressed Council in person and spoke AGAINST the Officer recommendation.

Stuart Rodney from Mayflower addressed Council in person and spoke FOR the Officer recommendation.

Steve Placko addressed Council in person and spoke AGAINST the Officer recommendation.

Alicia Curry addressed Council in person and spoke AGAINST the Officer recommendation.

SUMMARY

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

RECOMMENDATION

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

General plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the amended plans submitted 1 December 2022 but modified to show:
 - (a) The IRCF2 roof plant re-located to be central to the building and appropriately screened and treated to reduce noise emission;
 - (b) The IRCF1 roof plant screen detail, including material and finishes;
 - (c) The black/charcoal cement cladding proposed to all buildings replaced with a lighter muted tone, such as grey or brown, and the building facades designed to include natural timber elements;
 - (d) The north-east upper-level windows of accommodation Type '3D' facing No. 33 Thornton Street to be obscured up to 1.7 metres above finished floor level;
 - (e) The height, materials and finishes of all proposed retaining walls;
 - (f) The substation area setback three metres from Highview Crescent to allow for landscaping and screening to the satisfaction of the Responsible Authority;
 - (g) The fire booster cabinet and water meter assembly adjacent to Glenmore Street to be dimensioned and finished in a muted tone;
 - (h) Further details of the hydrant booster adjacent to Highview Crescent, including height and appearance;
 - (i) All hydrant cupboards and electrical boards to be finished in a muted tone;
 - (j) IRCF1 and IRCF2 bin room detail to include:
 - a. Hard waste storage areas;
 - b. Bumper rails fitted to walls;
 - c. Sink for mops;
 - d. Pathway from bin room to truck collection point to be flat;
 - (k) The proposed pedestrian connection from Broadford Crescent to the Cherry Street reserve to be no less than 3 metres wide;
 - (l) New bus stop detail in accordance with Condition 12 of this permit;
 - (m) Development Drainage Plans in accordance with Condition 3 of this permit;
 - (n) An amended Landscape Plan in accordance with Condition 4 of this permit;

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

Layout Not to Be Altered

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

Development Drainage Plans

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

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

Landscape Plan

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

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

Waste Management Plan

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

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

Sustainability Management Plan

-
6. Before the development permitted by this permit commences, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. When approved, the amended SMP will be endorsed and will form part of this permit. The plan must be generally in accordance with the SMP prepared by Mott MacDonald dated 19.09.2022 but modified to include (but not limited to):
- (a) A BESS Report that:
 - i. Achieves 'best practice' with a minimum overall score of 55%, including a minimum 50% pass mark in all mandatory categories of Water, Energy, and Indoor Environment Quality, and 100% for Stormwater;
 - ii. Proposes all-electric measures with no natural gas included;
 - iii. Reflects the total average NatHERS across the residential units (e.g. weighted average from modelling provided), or include both average scores (for 'Type 2' and 'Type 3' accommodation respectively);
 - (b) NatHERS certificates of a representative sample of dwelling typologies for both 'Type 2' and 'Type 3' accommodation to support the 6.5 and 7.12-star targets outlined in the SMP;
 - (c) More details around metering strategy, including extent (e.g. individual dwellings and common areas) and scope (electricity, water, gas, solar etc.);
 - (d) EV charging infrastructure to include *cabling* back to the main switchboard (for IRCF1/2 basement) that has a minimum capacity to support Level 2 (Mode 3) (e.g. 11 kW / 16 Amp 3-phase or 7 kW / 32 Amp single phase) to allow the aged care facility to install / provide EV charging at a later date (when demand increases);
 - (e) More details within the SMP and Landscape Plan regarding species selection (native, indigenous and drought tolerant) and specific irrigation strategy (e.g., sub-surface drip or hand watered until established);
 - (f) Amended wording within the SMP to reflect 16.4% reduction in energy demand for the non-residential component (not 17% as highlighted in the SMP);
 - (g) Clarification on whether the basement car park is to be mechanically ventilated with CO monitors or naturally ventilated;
 - (h) Clarification of the type of electric cooling system proposed;
 - (i) Confirmation of the type of electric hot water system proposed;
 - (j) Amended rooftop plan and ESD Drawing to specify the total (minimum) solar PV system size (not indicative);
 - (k) Amended 'Type 3 accommodation' design to incorporate an external shading treatment (e.g. eave, awning, blinds, or louvres etc.) for North and West

- (preferably operable) facing glazing elements to habitable rooms that are not shaded by a retaining wall. Provide amended elevations or cross-section details to illustrate;
- (l) Amended IRCF2 building design to include an external shading treatment for exposed bedrooms on the north-west and north-east facades. Provide amended elevations or cross-section details to illustrate;
 - (m) Amended discrepancies in the stormwater strategy, including clearly demonstrating which buildings are connected to rainwater tanks;
 - (n) Consideration to revise stormwater strategy to include rainwater tanks for the 'Type 3' accommodation – individually or in a similar cluster – to reduce the reliance on raingardens for stormwater quality;
 - (o) Consideration to increase the size of the rainwater tank to service toilet flushing throughout IRCF1 or IRCF2 (or both) and to reduce the reliance on raingardens for stormwater quality;
 - (p) A revised plan (as on page 31) detailing collective raingarden areas, and a detailed plan of the 55 sqm raingarden (either as part of the stormwater strategy or within the Landscape Plan) to support its design;
 - (q) The full daylight assessment summarised in appendix C (SMP, p. 38);
 - (r) Clarification of the extent of double glazing throughout the development (given the credit was not claimed in BESS), through a statement within the SMP of revised elevations;
 - (s) Clarification of misalignment in bicycle parking between BESS/SMP and plans and amend documentation accordingly;
 - (t) Clarification of provision and location of end-of-trip facilities as per the BESS Report and amend plans accordingly;
 - (u) Amended construction waste commitment to include a target to re-use or recycle (min) 80% of demolition and construction waste and include within procurement requirements for waste contractor;
 - (v) Amended language within materials section (removing phrases such as 'where possible) to outline firm commitments (e.g. % by cost / weight);
 - (w) Amended Landscape Plan (with annotation or symbols) to clearly identify food producing areas to align with BESS commitments (46 sqm for apartments, 24 sqm for office and 127 sqm for public building);
 - (x) A statement as to how the design has/will contribute to urban heat mitigation – replace roofing with 'cool' alternatives (Maximum SA of 0.70 / minimum SRI of

0.45), and consider increasing climbing vegetation to shield dark external elements from direct sunlight;

- (y) Clarification of strategy to reduce embodied carbon of concrete (through portland cement reduction) and steel (through responsible steel maker and reductions where possible);
- (z) Clarification of best-practice approach to use of PVC materials or alternatives;

Green Travel Plan

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

Environmentally Sustainable Development (ESD) Drawing

8. Before the development permitted by this permit commences, an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. The ESD Drawing must be prepared by a suitably qualified environmental engineer, environmental consultant, or architect. When approved, the ESD Drawing will be endorsed and will form part of this permit. The ESD Drawing must include:
- (a) All features nominated within the associated SMP identified under Condition 6.

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

- i. A notation committing to the delivery of a Building Users Guide;

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

- xxviii. Carpark Ventilation measures either (a) fully naturally ventilated (no mechanical ventilation system) or (b) 40 car spaces or less with Carbon Monoxide monitoring to control the operation and speed of the ventilation fans;
- xxix. Ceiling fans provided to regular use areas;
- xxx. Notation for all paints, sealants and adhesives to meet the maximum total indoor pollutant emission limits;
- xxxi. Notation for all carpet meet the maximum total indoor pollutant emission limits;
- xxxii. Notation for all engineered wood meet the maximum total indoor pollutant emission limits;
- xxxiii. Bicycle Parking location and details;
- xxxiv. Bicycle Visitor Parking location and details;
- xxxv. End of Trip Facilities (showers and lockers) location and details;

WSUD Drawing

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

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

Tree Protection and Management Plan

- 10. Before the development permitted by this permit, commences, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The TPMP must be prepared by a suitably qualified arborist, including:
 - (a) The management and maintenance of Trees #1, #18, #25, #30-34, #37-39, #41-43, #45, #50-54, #58-59, #61, #64 and #66-68;
 - (b) A management regime for all trees during the demolition, construction and post construction phases of the development **must cite, include and consider** all Tree Protection measures condition as part of planning permit P58/2021;
 - (c) A tree protection plan drawn to scale;
 - (d) All tree protection zones and structural root zones to be indicated on the plan;
 - (e) The design modifications and specific construction techniques to be implemented to reduce impact on retained trees;
 - (f) The types of footings used within tree protection zones which must also be indicated on the plans;
 - (g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist;
 - (h) The location/design of tree protection fencing for retained trees, mulching/watering requirements and TPZ areas where ground protection systems will be used;
 - (i) Tree removal methods for approved vegetation;
 - (j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 *Pruning of amenity trees*, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard *AS4373-2007 Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;

- (k) Details regarding site access by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees;
- (l) Details and location of all underground services in relation to the TPZ of retained trees. Plans must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the responsible authority;
- (m) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority;

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

ESD Certification

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

This report must at a minimum include the following:

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

ESD Inspection

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

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

Department of Transport

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

All to the satisfaction of the Head, Transport for Victoria

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

Notification of Responsible Authority of other matters

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

Development Infrastructure Levy

18. Prior to the commencement of development, the permit holder must pay to Banyule City Council a development infrastructure levy and community infrastructure levy in

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

Removal and Replacement of Council Trees – Payment

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

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

Tree Protection

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

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

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

- (a) Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 and including the following:
 - (i) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.
 - (ii) Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.
 - (iii) Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.
 - (iv) No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.
 - (v) All supports, and bracing should be outside the TPZ and any excavation for supports, or bracing should avoid damaging roots where possible.
 - (vi) No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.

- (vii) Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.
- (viii) Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.
- (ix) For street trees, protection must be to the extent of the entire nature strip where the calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
- (x) For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
- (xi) Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;

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

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

Construction Management Plan

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

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

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

Note:

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

Road Discontinuance/Sale of Land

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

Occupation of Development

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

Car Parking/Access

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

Urban Design and Landscaping

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

Waste Management

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

Maintenance of property

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

Permit Expiry

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

PERMIT NOTES

A. Expiry of Permit

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

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

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

B. Building Permit Required

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

C. Building over Easements

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

D. Drainage Plan Requirements

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

E. Access to Council Reserve

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

F. Completion of Development

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

G. Development Infrastructure Levy

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

H. Memorandum of Consent for Works

Council's Construction Department must supervise all works undertaken on Council assets within private property, Council Reserves, easements, drainage reserves and/or road reserves, including connection of the internal drainage system to the

existing Council assets. Prior to the commencement of any works, an application must be made and a permit received for:

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

I. Building Site Code of Practice

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

J. Street Numbering

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

Resolution (CO2023/125)

That Council defer item 6.2 to 7 August 2023 Council meeting to enable facilitation of consultation by representatives of the Development Planning team between the applicant and representation of objector parties.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

7. OUR VALUED COMMUNITY ASSETS AND FACILITIES

Nil

8. OUR THRIVING LOCAL ECONOMY

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

SUMMARY

1. This report is to enable Council to formally consider the written submissions and the objection received regarding the proposed Special Charge Scheme for the “East Ivanhoe Village” (“Shopping Precinct”).
2. Following the Ordinary Meeting of Council on Monday 17 April 2023 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* (“the Act”) for the declaration of the Special Charge, the public notice of Council’s intention to declare a Special Charge for the Shopping Precinct was advertised in the “*The Age*” on Thursday 20 April 2023 and placed on Council’s public website.
3. A separate notice, advising of Council’s intention to declare the Scheme was mailed by ordinary post on Friday 21 April 2023 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice enclosed.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.

5. The closing date for submissions and objections was 4pm Friday 19 May 2023. Council received by this date a total of three submissions in support of the proposed scheme and one objection.
6. No submitters or objectors have requested to appear in person before Council.

RECOMMENDATION

That Council:

1. In respect of Council's published intention to declare a Special Charge for the East Ivanhoe Village precinct ("Proposed Special Charge") and having –
 - a. received and considered submissions received under section 223 of the Local Government Act 1989 and Local Government Act 2020; and
 - b. considered that one objection was received under section 163B of the Local Government Act 1989.
 - c. resolves to receive and consider a further report, provide rationale and make a final decision at the Ordinary Meeting of Council on 7 August 2023.

Resolution (CO2023/126)

That Council:

1. In respect of Council's published intention to declare a Special Charge for the East Ivanhoe Village precinct ("Proposed Special Charge") and having –
 - a. received and considered submissions received under section 223 of the Local Government Act 1989 and Local Government Act 2020; and
 - b. considered that one objection was received under section 163B of the Local Government Act 1989.
 - c. resolves to receive and consider a further report, provide rationale and make a final decision at the Ordinary Meeting of Council on 7 August 2023.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

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

Stavros Zikou from Ivanhoe Traders Association attended in person and spoke FOR the Officer recommendation.

Zack Silvestro from Ivanhoe Traders Association attended in person and spoke FOR the Officer recommendation.

SUMMARY

1. This report is to enable Council to formally consider the written submissions received regarding the proposed Special Rate and Charge Scheme for the "Ivanhoe Shopping Centre" ("Shopping Precinct").
2. Following the Ordinary Meeting of Council on Monday 17 April 2023 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* ("*the Act*") for the declaration of the Special Rate and Charge, the public notice of Council's intention to declare a Special Rate and Charge for the

Shopping Precinct was advertised in the “*The Age*” on Thursday 20 April 2023 and placed on Council’s public website.

3. A separate notice, advising of Council’s intention to declare the Scheme was mailed by ordinary post on Friday 21 April 2023 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice enclosed.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Rate and Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday 19 May 2023. Council received by this date a total of eleven (11) submissions in support of the proposed scheme and no objections.
6. No submitters have requested to appear in person before Council.

RECOMMENDATION

That Council:

1. In respect of Council’s published intention to declare a Special Rate and Charge for the Ivanhoe Shopping Precinct (“Proposed Special Rate and Charge”) and having –
 - a. received and considered submissions received under section 223 of the *Local Government Act 1989* and *Local Government Act 2020*; and
 - b. considered that no objections were received under section 163B of the *Local Government Act 1989*.
 - c. *Resolves to receive and consider a further report, provide rationale and make a final decision at the Ordinary Meeting of Council on 7 August 2023.*

Resolution (CO2023/127)

That Council:

1. In respect of Council’s published intention to declare a Special Rate and Charge for the Ivanhoe Shopping Precinct (“Proposed Special Rate and Charge”) and having –
 - a. received and considered submissions received under section 223 of the *Local Government Act 1989* and *Local Government Act 2020*; and
 - b. considered that no objections were received under section 163B of the *Local Government Act 1989*.
 - c. *Resolves to receive and consider a further report, provide rationale and make a final decision at the Ordinary Meeting of Council on 7 August 2023.*

Moved: Cr Alida McKern

Seconded: Cr Peter Dimarelos

CARRIED

8.3 JOBS VICTORIA ADVOCATE PROGRAM CLOSE OUT

SUMMARY

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

RECOMMENDATION

That Council:

1. Notes the achievements of the Jobs Victoria Advocate Program and the commitment to maintain the valuable relationships the program created with key stakeholders.
2. Notes the conclusion of the Jobs Victoria Advocate Program from 30 June 2023.

Resolution (CO2023/128)

That Council:

1. Notes the achievements of the Jobs Victoria Advocate Program and the commitment to maintain the valuable relationships the program created with key stakeholders.
2. Notes the conclusion of the Jobs Victoria Advocate Program from 30 June 2023.

Moved: Cr Rick Garotti

Seconded: Cr Elizabeth Nealy

CARRIED

9. NOTICES OF MOTION

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

TAKE NOTICE that it is my intention to move:

That Council:

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

Resolution (CO2023/129)

That Council:

Withdraw the Notice of Motion at item 9.1 *Options Paper for the establishment of a Planning Delegated Committee of Council*.

Moved: Cr Alida McKern

Seconded: Cr Rick Garotti

CARRIED

9.2 IMPROVING WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE

TAKE NOTICE that it is my intention to move:

That Council:

1. Request that a report be presented back to Council on or before 30 October 2023 detailing the current approach and funding options available to improve walking and cycling access to schools in the Banyule community.

2. Request that the report includes information regarding the current timetable to complete Safe Access Audits at all schools, the funding required to undertake audits and the estimated budget that should be allocated to rectify items identified in the Safe Access Audits.

Resolution (CO2023/130)

That Council:

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

Moved: Cr Tom Melican

Seconded: Cr Elizabeth Nealy

CARRIED

10. GENERAL BUSINESS

Drop in session Ivanhoe Grammar School Proposed Development Plan.

Cr Alida McKern shared that she attended this session with Cr Tom Melican, which was a public information drop in session to make available the plans, staff and representatives of the School to discuss the planning application submitted by the School to amend the existing development plan.

Cr McKern reflected that the event was well attended and encouraged review of the website [Ivanhoe Grammar School Development Plan | Banyule Council](#) for anyone seeking more the Ivanhoe Proposed Development Plan they can find the information.

Energy Efficient ways of managing the effects of climate change on your home

Councillor McKern advised that she recently attended a Workshop at Ivanhoe Library on 'Electrifying Your Home' run by Banyule City Council's Environment Team, discussing energy efficient ways of managing the effects of climate change on your home.

Cr McKern advised that this was a well-attended event, and a very informative session about how to reduce electricity costs in your home and provided information on new Government rebates available to the public.

Waterdale Road Pocket Park

Councillor McKern reminded the Councillors and Community meeting of the opening of Waterdale Road Pocket Park at 11.00am on Tuesday 18 July 2023 (a three year project being celebrated).

Small Business Network Breakfast

Cr Alison Champion advised that she attended the Small Business Network Breakfast hosted by Banyule Council’s Economic Development team on Tuesday July 11 with Cr Melican. This was held at Mabel Jones in Greensborough and helped small business owners learn about Social media and how to use it as a marketing tool.

Cr Champion announced that the next networking event is planned for 17 August at Jaga Jaga in Greensborough. Registration is via the Banyule Business e-news letter or at the Banyule website [Workshops & Events - Banyule Business](#) for more information. The events are lots of fun and people are encouraged to attend.

FIFA Women’s World Cup

Cr Mitsinikos, Cr Melican, and Mayor Castalso attended a training session on Monday 17 July 2023 of the Canadian Women’s team at Olympic Park where Uncle Charles did the Welcome to Country. The Women are incredibly fit and the Goal Keeper in particular was very talented. The Councillors wish all the women the best of luck for the competition.

Loyola College Stage Show ‘All Shook Up’

Cr Mark Di Pasquale acknowledged the time and effort of the Performing Arts students at Loyola College who performed the live Stage Show ‘All Shook Up’ on July 13, 14, and 15 which were well attended by the community. Cr Di Pasquale shared acknowledgement and thanks to all the students, teachers and families involved for providing such a high quality event for the Community to engage in.

Banyule Community Bus Launch

Cr Rick Garotti attended the launch of the Community Bus on Wednesday Tuesday July 11, which came about as a result of feedback from the 2020 election campaign.

The bus route services predominantly the south of the electorate from Macleod down to Ivanhoe. Information is available on the Banyule City Council Website and Councillor Garotti encourages people to engage with the service. Cr Garotti extended thanks to the Councillors for support with the service and to Mayor Castaldo and Deputy Mayor McKern for being present on the day.

PUBLIC QUESTION TIME

1	<p>Name and Suburb: Kelvin Granger & Dean Hurlston</p> <p>Question: Can council please advise the dollar (\$) amount of "cost shifting from State Government" they estimate they incurred in 2022/23 Financial Year?</p> <p>Officer Response: Council notes that cost shifting can take the form of reductions in funding for services typically funded at higher levels by the state government and the transfer of responsibilities which previously sat with the state government. Council acknowledges that the roles and responsibilities of local government have significantly increased over recent decades whilst the provision of core services and requirements remains.</p> <p>Programs such as maternal and child health, school crossing supervisors, public libraries, Landfill Levy and Waste Services, Electrical Line Clearance and for some local</p>
----------	---

	<p>government agencies this relates to home and community care programs. Other potential costs to councils such as the cladding rectification program and other regulations that are imposed on Council and considered cost shifting examples.</p> <p>Banyule have advocated to the Premier of Victoria and the Municipal Association of Victoria (MAV) and supported motions at MAV State Council meetings regarding Council's concern about the extent of cost shifting from the State Government to the Local Government Sector as we recognise that this can limit Councils ability to meet the future operational and infrastructure needs of its community.</p> <p>Whilst it is difficult to quantify an estimate for any given financial year, we would confidently say that it would be in the order of \$4 - \$5 million per annum.</p> <p><i>Marc Giglio – Director Corporate Services</i></p>
--	--

2	<p>Name and Suburb: * Name withheld at the request of the resident*</p>
	<p>Question: Given that through 2020 lockdowns, council allowed for remote attendance (ie live and NOT pre-recorded) at council meetings to both councillors and community speakers, are there any foreseen difficulties that would prevent live remote attendance now being offered to the community in the request to speak process?</p>
	<p>Officer Response: Throughout the COVID-19 lockdowns Council allowed video recordings of community members request to speak submissions, but at no time did community members 'dial in' and engage with Council 'live' in the meeting virtually.</p> <p>Council would need to consider compatibility requirements in line with the current and established IT set up at the Ivanhoe Library and Cultural Hub – Council Chamber to determine whether community members could 'dial in' or 'connect in' to the meeting moving forward.</p> <p><i>Krysten Forte – Governance Coordinator</i></p>

3	<p>Name and Suburb: Susan Martin Rosanna</p>
	<p>Question: The Banyule Governance Rules are currently open for community consultation until the 20 July, however with only two daytime, in person sessions (neither mentioned in the June Banner) and NO online forums offered, could council extend the consultation period to offer more inclusive community discussion options?</p>
	<p>Officer Response: The Community Consultation Plan for the Stage 2 Governance Rules review included a combination of face-to-face engagement sessions, which were held on alternate days of the week and at different venues across our municipality, both day time and evening sessions. This, plus our online survey available through Shaping Banyule opened on 29 June 2023 and closes on 20 July 2023 (a total of 3 weeks) to engage broadly and fairly with a mix of cohorts in the community. In addition, targeted engagement has included:</p> <ul style="list-style-type: none"> • The June edition of Banyule Banner distributed to over 55,000 households and businesses across Banyule advising of the upcoming review.

	<ul style="list-style-type: none"> • A reach of almost 7000 people on Facebook, along with emails sent to approximately 1135 people that have registered for updates on our Shaping Banyule page. • Over 100 place cards have been left at our libraries and neighbourhood hubs/community centres which were developed to promote the project and the consultation sessions. <p>In line with the above, it is considered that the consultation period is sufficient and in line with the budget associated with the project and no further online sessions will be scheduled.</p> <p>There is still an opportunity to participate via the Shaping Banyule page and we encourage all residents to do so via the Shaping Banyule link https://shaping.banyule.vic.gov.au/GovRules</p> <p><i>Krysten Forte – Governance Coordinator</i></p>
--	--

4	<p>Name and Suburb: Alicia Curry Rosanna</p> <p>Question: As the community shouldn't be expected to personally attend a council meeting to have a public question answered, council currently provides not only a verbal response in the meeting but a very important written record and response to these questions in the meeting minutes, and as there is no discussion to the contrary, can council provide confirmation to the public that this transparent and inclusive recording of public questions in the meeting minutes will be preserved?</p> <p>Officer Response: At this time Council cannot provide confirmation as to whether any of the current or proposed processes in the Governance Rules (adopted) and Governance Rules (Draft) will remain as the consultation process has not concluded, and Council have not resolved on a set of Rules yet. It is proposed that in September 2023 Council will adopt a set of Governance Rules and the process around public question time will be detailed accordingly to guide Council and Community on public question time procedure.</p> <p><i>Krysten Forte – Governance Coordinator</i></p>
----------	--

5	<p>Name and Suburb: Robyn Roberts</p> <p>Question: Councillors have often mentioned that limiting the number of community speakers relates to the length of council meetings, and yet voted to reduce the number of meetings significantly by holding meetings only every 3 weeks instead of 2 weeks – so what options are there for council returning to meetings every fortnight and can this option be added to the Governance Rules currently in review?</p> <p>Each year Council determine by resolution the ordinary council meeting days for the forthcoming year. The three (3) weekly council meeting cycle has been customary in the past few years at Banyule and the transaction of Council business at its meetings has continued in an efficient and effective way in connection with the scheduling of Council meetings.</p> <p>The cycle has worked in well with project delivery requirements, policy implementation and decisions implementation processes. It is important to note that Council have the</p>
----------	---

	<p>ability to call a special council meeting if they require that allows for an unscheduled/special meeting to occur outside of the ordinary schedule. This is rarely required due to the suitability of the current meeting frequency to Council to date, but available none the less.</p> <p>It is also important to note that scheduling more frequent meetings unnecessarily would require budgetary considerations such as time, resources, personnel, and IT requirements just to name a few.</p> <p>Council can at any time change the schedule for council meetings via a Council resolution. Council is required to ensure that they comply with Chapter 2, Part C Division 1, Section 14, rule 14.1(3) of Governance Rules when setting meeting dates.</p> <p>The cycle and scheduling of Council meetings is separate to the Governance Rules Review and is not included.</p> <p style="text-align: center;">- <i>Krysten Forte – Governance Coordinator</i></p>
--	---

6	<p>Name and Suburb: Jane Crone</p>
	<p>Question: Why is Council insisting on instructing residents to mainly use its code, website and digital technology as its preferred interaction, as well as requiring request to speak and public questions to be, “requested in writing and delivered to Greensborough”, as was recently noted twice at its two public community participation Governance forums, dates of which were not advertised in the June Banner; as this greatly restricts the involvement of many of the elderly and often most vulnerable and marginalised, long term residents, when the more accessible Ivanhoe Service Centre could be used, as well as on occasion, hard paper copies for some, such as surveys?</p>
	<p>Council acknowledges that there are different accessibility requirements for residents and preferences for engagement both digital and in person. Currently, Council make available a variety of options for both hard copy and electronic submissions for Council meeting public questions and request to speak submissions.</p> <p>The Governance Rules are in Draft and out for consultation. As this feedback has been provided by residents engaged in the community consultation sessions held to date promoting the need to retain and expand hard copy submissions for both Greensborough but also the Ivanhoe Library and Cultural Hub this will be considered in the context of the Rules Review.</p> <p style="text-align: center;"><i>Krysten Forte – Governance Coordinator</i></p>

7	<p>Name and Suburb: Simon Conisbee Heidelberg</p>
	<p>Question: Manningham Council's FOGO programme gave each household a role of 100 certified AS4736 biodegradable bags to use in their FOGO bins whereas Banyule Council's programme does not allow biodegradable bags in their FOGO bins, therefore why is there a difference in the approach to FOGO between councils with Banyule excluding the use of certified AS4736 biodegradable bags?</p>
	<p>Officer Response:</p>

	<p>Biodegradable bags are not permitted under the contractual arrangements Banyule has with its processor. Collected food organics and garden organics (FOGO) goes to the Veolia organics processing facility in Bulla, Victoria. There, it takes 6 to 10 days to be turned into compost, which is then used to enrich the soil at farms, parks and gardens.</p> <p>Knots tied into compostable bags do not break down during the composting process. This essentially looks like plastic. Farmers can be very reluctant to put product that looks like plastic onto their farms. This can result in high quality compost that just looks bad being used for lesser value purposes (such as mining rehabilitation).</p> <p>All bags are removed by the processor (including contents) as bags are often used to hide contamination.</p> <p>Not permitting bags:</p> <ul style="list-style-type: none"> • allows contamination to be easily detected which reduces the risk to waste workers • creates a better produce that is more widely used which is better for the circular economy <p><i>Darren Bennett – Director Assets & City Services</i></p>
--	---

8	<p>Name and Suburb: Rowan Harrison – on behalf of Eaglemont Neighbourhood Conservation Association Inc</p> <p>Question: Regarding Mount Eagle Estate What is the timeline for the rectification of the paling fence?</p> <p>Officer Response: Council’s Municipal Laws team is aware of the paling fencing which has been constructed on Council land at 61 The Eyrie, Eaglemont. Limited information can be shared for privacy reasons however the Municipal Laws representatives are working with the landowner to achieve compliance which will be achieved in the coming weeks. It is noted that the fence does not pose a public safety issue.</p> <p><i>Joel Elbourne– Acting Director City Development</i></p>
----------	--

Closure of Meeting

The Meeting was closed at 9.18pm.

DATED: DAY OF 2023

.....
MAYOR

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