

# Minutes of the Ordinary Meeting of Council



**Held on the 28 August 2023**

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

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The Meeting opened at 7.03pm.

### **Acknowledgement of the Traditional Custodians**

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

### **Diversity Statement**

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

### **Present**

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

Allison Beckwith – Chief Executive Officer, Toni Toaldo – Acting Director Corporate Services, Kath Brackett – Director Community Wellbeing, Darren Bennett – Director Assets & City Services, Natasha Swan – Director City Development, Krysten Forte – Manager Governance & Integrity, Linda Chapple- Acting Coordinator Governance & Integrity, Fletcher Coburn – Governance Customer Support Officer, Duncan Stephen – Jets Facility & Technical Officer, Sukhpreet Sidhu – IT Technical Analyst

### **Apologies**

Cr Tom Melican ( Council approved Leave of Absence).

### **Leave of Absence Motion**

#### ***Councillor Mitsinikos declared a Material Conflict of Interest and left the Chamber at 7.09pm***

That Council grants a Leave of Absence for Cr Mitsinikos for the period Saturday 2 September 2023 – Tuesday 10 October 2023 (inclusive)

Moved: Cr Elizabeth Nealy

Seconded: Cr Rick Garotti

CARRIED

#### ***Councillor Mitsinikos Returned to the Chamber at 7.09pm and was not present for the vote.***

### **Confirmation of Minutes**

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 7 August 2023*

Moved: Cr Alida McKern

Seconded: Cr Fiona Mitsinikos

CARRIED

### **Disclosure of Interests**

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

## Presentation

### 1. URGENT BUSINESS

### 2. PETITIONS

Nil

### 3. OUR TRUSTED AND RESPONSIVE LEADERSHIP

#### 3.1 ADVOCACY ACHIEVEMENTS 2022/23 AND ADVOCACY PRIORITIES FOR 2023/24

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

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

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

## SUMMARY

1. In May 2022 Council adopted its first Advocacy Framework and Action Plan 2022-2026 along with 26 specific advocacy priorities for 2022/23.
2. Advocacy has progressed on each of the priorities and many priorities are ongoing, requiring effort over multiple years.
3. An achievements summary of how Council's advocacy priorities have been advanced is included in **Attachment 1** of this report.
4. Additionally, this report introduces an updated list of advocacy priorities for the 2023/24 year included in **Attachment 2** of this report.
5. 27 advocacy priorities have been identified that respond to each of the priority themes identified in the Banyule Community Vision 2041. Advocacy priorities are presented to Council every 12 months for endorsement to ensure they remain consistent with community needs.
6. The 2023/24 advocacy priorities will guide Council's pre-budget submissions to the Victorian and Australian Governments and inform discussions with local MPs and relevant Ministers.

## RECOMMENDATION

That Council:

1. Endorse the 2023/24 Advocacy Priorities (**Attachment 2**) and prepare advocacy plans to identify opportunities to engage with local Members of Parliament, Ministers, and Government officials.

2. Note the achievements and progress made to advance Council's advocacy priorities in the 2022/23 Advocacy Annual Report (**Attachment 1**).

**Resolution (CO2023/152)**

That Council:

1. Endorse the 2023/24 Advocacy Priorities (**Attachment 2**) and prepare advocacy plans to identify opportunities to engage with local Members of Parliament, Ministers, and Government officials.
2. Note a required change to advocacy priority item 2: Ivanhoe Park Pavilion Upgrade. This priority should be listed as: Ivanhoe Bowls Club/Ivanhoe Tennis Club Pavilion Upgrade: A \$2.2M investment from the State Government to upgrade and consolidate the pavilion servicing the Ivanhoe Bowls Club and Ivanhoe Tennis Club at Ivanhoe Recreation Reserve (John Street).
3. Note the achievements and progress made to advance Council's advocacy priorities in the 2022/23 Advocacy Annual Report (**Attachment 1**).

Moved: Cr Alida McKern

Seconded: Cr Elizabeth Nealy

CARRIED

### 3.2 FINANCIAL MANAGEMENT REPORT - PRELIMINARY JUNE 2023 PERFORMANCE

#### SUMMARY

1. The Financial Management Report - Preliminary June 2023 Performance is the actual unaudited financial results for June 2023 against the adopted budget 2022/23.
2. The June Preliminary Financial Management Report (see **Attachment 1**) provides assessment of the following:
  - o Financial Performance - key income and expenditure actual operating results against budget.
  - o Capital Works Expenditure – summary of actual spend and budget.
  - o Investment activity – compliance against the current Investment Policy
  - o Other key financial indicators – Rates Outstanding, Accounts Receivable, Balance Sheet and Cash Flow statements
3. The unaudited financial result for the period ended 30 June 2023 is preliminary and is subject to change pending finalisation of year-end adjustments including assessment of:
  - o Depreciation and amortisation adjustment
  - o Impairment loss
  - o Fair value adjustment – share of net assets of associations
  - o Bad & doubtful debt adjustment

4. The Audited Financial Report for the year ended 30 June 2023 will be presented to the Audit and Risk Committee on 22 September 2023.

### **Financial Performance**

5. The preliminary June 2023 actual result is an operating surplus of \$14.54m and compares unfavourably by \$0.57m to the 2022/23 Adopted Budget surplus of \$15.11m.
6. The preliminary underlying result is a \$0.53m underlying deficit which compares favourably by \$3.57m to the budgeted underlying deficit of \$4.10m.
7. Both of the preliminary results are subject to any further minor pending year-end adjustments which are expected to be immaterial.
8. The key variances from budget include lower than projected capital grant income and reduced fees and charges income. This is in part offset by improved results for Public Open Space (POS) contributions income and the prepayment of the Victoria Grants Commission from 2023/24 into 2022/23. Discretionary expenditure has been managed.
9. As of 30 June 2023, a total of \$33.863m has been spent on capital works. The adopted capital works expenditure is \$61.549m. The majority of capital works projects not completed this year will be carried across into 2023/24.
10. Delay in capital delivery is being experienced across the sector which can be attributed to internal resourcing shortages, a stimulated construction industry attracting skilled staff to different sectors, worldwide material shortages, limited contractor availability and higher construction costs.

### **RECOMMENDATION**

That Council note:

1. The Financial Management Report – Preliminary Performance for the period ended 30 June 2023.
2. The preliminary operating surplus of \$14.54m against the adopted budgeted surplus of \$15.11m for the year ended 30 June 2023.
3. The preliminary underlying operating deficit of \$0.53m against the adopted budgeted underlying deficit of \$4.10m for the year ended 30 June 2023.
4. The audited Financial Statements for the period ended 30 June 2023 will be presented to Audit and Risk Committee on 22 September 2023.
5. The audited Financial Statements for the period ended 30 June 2023 will be considered for 'In Principle' approval by Council on 25 September 2023.

### **Resolution (CO2023/153)**

That Council note:

1. The Financial Management Report – Preliminary Performance for the period ended 30 June 2023.

2. The preliminary operating surplus of \$14.54m against the adopted budgeted surplus of \$15.11m for the year ended 30 June 2023.
3. The preliminary underlying operating deficit of \$0.53m against the adopted budgeted underlying deficit of \$4.10m for the year ended 30 June 2023.
4. The audited Financial Statements for the period ended 30 June 2023 will be presented to Audit and Risk Committee on 22 September 2023.
5. The audited Financial Statements for the period ended 30 June 2023 will be considered for 'In Principle' approval by Council on 25 September 2023.

Moved: Cr Rick Garotti  
Seconded: Cr Peter Dimarelos

CARRIED

### **3.3 BANYULE CEMETERIES TRUST - VICTORIAN PROTECTIVE DATA SECURITY FRAMEWORK ATTESTATION OBLIGATIONS**

#### **SUMMARY**

1. The Banyule Cemeteries Trust and Banyule City Council perform the functions of a public entity are subject to the Victorian Protective Data Security Framework (VPDSF) and the Victorian Protective Data Security Standards (VPDSS), and the accompanying obligations under Part 4 of the *Privacy and Data Protection Act 2014* (Vic) (PDP Act).
2. The VPDSS establishes mandatory requirements aimed at protecting public sector information across all security areas including governance, information, personnel, Information Communications Technology (ICT) and physical security. They provide direction to affected Victorian public sector agencies or bodies on their data security obligations.
3. To meet obligations of the PDP Act, affected agencies are required to undertake a Security Risk Profile Assessment (SRPA); and develop a Protective Data Security Plan (PDSP) on a prescribed form bi-annually and submit to the Office of the Victorian Information Commissioner (OVIC) by 31 August in the corresponding reporting year.
4. At its Special Meeting on 18 July 2022, the Banyule Cemeteries Trust resolved to having the equivalent reporting criteria and as a result the Council submitted a multi-organisational PDSP by 31 August 2022 signed by the Chief Executive Officer (CEO) and the Trust Chair (ie. the Mayor).
5. In 2023, Council and the Trust are required to submit an Attestation to OVIC by 31 August 2023 to reaffirm that the program of information security activities is continuing to address the VPDSS as reflected in the 2022 submission.
6. In line with good governance practices, this report is presented to Council to authorise the Mayor to certify the Banyule Cemeteries Trust subsidiary organization attestation form for submission to OVIC on or before 31 August 2023.

#### **RECOMMENDATION**

That Council:

1. Resolve that the Mayor signs the prescribed Banyule Cemeteries Trust subsidiary organisation attestation form attached for submission to OVIC by 31 August 2023.

**Resolution (CO2023/154)**

That Council:

1. Resolve that the Mayor signs the prescribed Banyule Cemeteries Trust subsidiary organisation attestation form attached for submission to OVIC by 31 August 2023.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

### **3.4 RELEASE OF IBAC'S OPERATION SANDON - CONTEXT SETTING, SUMMARY OF RECOMMENDATIONS & RESPONSE TO NOTICE OF MOTION**

#### **SUMMARY**

1. Operation Sandon is an investigation commissioned by the Independent Broad-based Anti-Corruption Commission (IBAC) into allegations of corrupt conduct involving councillors and property developers in the City of Casey in Melbourne's south-east.
2. The Investigation also examined the adequacy of Victoria's current systems and controls for safeguarding the integrity of the State's planning processes.
3. The Investigation largely focused on four (4) planning matters involving a developer and his associates and some of Casey councillors. The decisions involved significant public interest and potentially provided large financial gains for the land holders, developers, and their consultants.
4. Although the Investigation focused on the activities at Casey Council, the findings from this investigation highlighted a range of systemic vulnerabilities.
5. IBAC has made 34 recommendations (Summary at **Attachment 1**) to promote transparency in planning decisions, to strengthen lobbying and donation regulation, to improve the accountability of ministerial advisors and electoral officers and to strengthen council governance.
6. Because these reforms are significant and wide reaching, IBAC recommends the Department of Premier and Cabinet establish and chair an inter-departmental taskforce. This taskforce has been encouraged to make further recommendations to address the corruption risk that is associated with windfall gains that result from changes in permissible land use.
7. IBAC recommendations encourage the development of independent planning panels for significant planning matters and to address the integrity risks detailed in Operation Sandon.
8. IBAC further recommends that the Minister for Local Government develop and maintains a model Councillor Code of Conduct and model Governance Rules that include better practice provisions to apply to all councils and other key governance changes, including the recommendation for amendments to the *Local Government Act 2020* to ensure that councils in Victoria must adopt the model Councillor Code of Conduct and the model Governance Rules recommended to be prepared.
9. IBAC have recommended significant reforms at both the local and state government levels and believe that the reforms will minimise the risks of the conduct of the sought identified in Operation Sandon from reoccurring.



10. In anticipation for the Special Report release, Cr Alida McKern raised a Notice of Motion (NOM) on the 26 June 2023 Council Meeting in line with Council's Governance Rules which Council endorsed.
11. The NOM specifically requested a report to be presented back to the Council meeting after release of Operation Sandon detailing the relevant and appropriate advocacy and action that Council may be able to take.
12. The NOM further requested officers detail the avenues for Council to advocate collectively with other councils across the sector and to the community including the Northern Councils Alliance and other Regional Planning Director forums regarding the outcomes and recommendations.
13. This officer report is designed to inform the Banyule community and Council of IBAC's Operation Sandon, the recommendations made to the current planning and governance practices across Victoria and to respond to the NOM.
14. It also details what the initial responses are from peak bodies for local government such as the Municipal Association of Victoria (MAV), Victorian Local Government Association (VLGA) and Local Government Professionals (LGPro).
15. CEO presentations by the Deputy Chief Municipal Inspector, Mr David Wolf, and officer engagement with sector peak body associations, Northern Council Region Governance Group and the CEO Northern Council Region Alliance has commenced.
16. Officers welcome the opportunity to formally inform and engage with any established inter-departmental taskforces to respond to the recommendations and advocate appropriately.
17. Responding in a timely manner to special reports that IBAC release that relate to corruption and systematic planning and governance vulnerabilities is integral to Councils governance and integrity framework. Council's Audit and Risk Committee will also be provided with Council's 'self-assessment' Report on Operation Sandon.

## RECOMMENDATION

That Council:

1. Receive and note the Independent Broad Based Anti-Corruption Commission's (IBAC) Special Report titled Operation Sandon regarding the corruption and conduct matters that occurred at the City of Casey.
2. Note that the 34 recommendations detailed in the Operation Sandon Report provide the Minister for Local Government and Minister for Planning with a range of considerations in both the planning and governance areas of Council business to address and respond to.
3. Note that the Minister for Local Government has 18 months to respond to the recommendations detailed in the report and IBAC recommends that an interdepartmental task force is established to ensure the local government sector is included in the deliberation and decisions connected to the 34 recommendations.
4. Note that the State Government has indicated that it will be announcing reforms to the Planning system in September 2023.
5. Note that Council officers will present a future report to Council with any proposed interim changes that could be implemented to current planning or governance practices at Council in response to the recommendations and best practice.

6. Note that the abovementioned Report in recommendation 4, will also aim to include updates on the establishment of an inter-departmental task force and any advocacy opportunities that are made available to Council officers to formally engage with the taskforce and broader local government sector.
7. Note the current advocacy efforts undertaken to date by local government peak bodies and note the immediate sector engagement that has already been undertaken with governance, planning and CEO staff including briefings and presentations by the Deputy Chief Municipal Inspector Mr David Wolf.
8. Note that participation will be explored on any further advocacy and engagement opportunities that may arise within the sector in relation to Operation Sandon.

**Resolution (CO2023/155)**

That Council:

1. Receive and note the Independent Broad Based Anti-Corruption Commission's (IBAC) Special Report titled Operation Sandon regarding the corruption and conduct matters that occurred at the City of Casey.
2. Note that the 34 recommendations detailed in the Operation Sandon Report provide the Minister for Local Government and Minister for Planning with a range of considerations in both the planning and governance areas of Council business to address and respond to.
3. Note that the Minister for Local Government has 18 months to respond to the recommendations detailed in the report and IBAC recommends that an interdepartmental task force is established to ensure the local government sector is included in the deliberation and decisions connected to the 34 recommendations.
4. Note that as per the Operation Sandon Special Report, Council formally acknowledges that it has concerns with recommendation 11(a) made by IBAC to the Minister for Planning to develop and introduce to Parliament amendments to the *Planning & Environment Act 1987* to remove statutory planning decision making powers from councillors and request the Mayor write immediately to the Minister for Local Government and Minister for Planning advocating its concerns regarding this proposed change.
5. Note that one of Councillors key roles is to be involved in the statutory planning processes, and that as representatives of the community this is an important role that needs to remain.
6. Request advocacy to occur immediately on recommendation 11(a) to all local government peak bodies, the Minister for Planning and the Minister for Local Government and promote this position to the Banyule community through various communication channels including social media and the Banyule Banner.
7. Note that the State Government has indicated that it will be announcing reforms to the Planning system in September 2023.
8. Note that Council officers will present a future report to Council with any proposed interim changes that could be implemented to current planning or governance practices at Council in response to the recommendations and best practice.

9. Note that the abovementioned Report in recommendation 8, will also aim to include updates on the establishment of an inter-departmental task force and any advocacy opportunities that are made available to Council officers to formally engage with the taskforce and broader local government sector.
10. Note the current advocacy efforts undertaken to date by local government peak bodies and note the immediate sector engagement that has already been undertaken with governance, planning and CEO staff including briefings and presentations by the Deputy Chief Municipal Inspector Mr David Wolf.
11. Note that participation will be explored on any further advocacy and engagement opportunities that may arise within the sector in relation to Operation Sandon.

Moved: Cr Alida McKern  
 Seconded: Cr Peter Castaldo

CARRIED

**3.5 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**

<b>1</b>	<b>Date of Meeting:</b>	31 July 2023
	<b>Type of Meeting:</b>	Councillor Briefing 6.33pm – 9.40pm
	<b>Matters Considered:</b>	
	Festivals and Events Creative Banyule 2030 Quarterly Capital Works Update Urban Forest Strategy	
<b>Councillors Present:</b>		
Cr Peter Castaldo Cr Alison Champion Cr Peter Dimarelos Cr Mark Di Pasquale Cr Rick Garotti Cr Alida McKern Cr Tom Melican		

Cr Elizabeth Nealy	
<b>Staff Present:</b>	
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Megan Kemp - <i>Strategic Executive Assistant to CEO Mayor</i> Michael Tanner – <i>Manager Parks and Natural Environment</i> Greg Gale – <i>Manager Delivery and Assets</i> Georgie Meyer – <i>Manager Inclusive &amp; Creative Communities</i> Hannes Berger - <i>Arts and Culture Coordinator</i> Mathew Deayton – <i>Capital Works Coordinator</i>	
<b>Others Present:</b>	
<b>Conflict of Interest:</b>	Nil

<b>2</b>	<b>Date of Meeting:</b>	7 August 2023
	<b>Type of Meeting:</b>	Pre-Briefing Council Meeting 5.36pm- 6.15pm
<b>Matters Considered:</b>		
3.1 Australian Local Governance Association (ALGA) National Conference June 2023 3.2 Revised Procurement Policy for Adoption and Annual Procurement reporting 3.3 Record of Councillor Meetings 3.4 Audit & Risk Committee (Unconfirmed) Minutes - Meeting held 23 June 2023 3.5 Audit & Risk Committee - Re-Appointment of Independent Representative Member 3.6 Awarding of Contract No.1293-2023 Provision of Air Conditioning & Mechanical Services Maintenance 3.7 Award of Contracts 1295A-2023 Reconstruction of Warringal Park Oval and 1295B-2023 Reconstruction of Ford Park North Oval 4.1 Banyule Youth Summit Report 2023 4.2 Advisory and Population Committees Report - April - June 2023 4.3 Population and Advisory Committee Annual Achievement Report 2023 4.4 Extension of Advisory and Population Committee Terms 4.5 Honorariums Options for Banyule Population Committees 4.6 7 Wellington Street Montmorency - Community Hub Expression of Interest Process 6.1 Draft Heritage Strategy 2023-2033 6.2 2-8 Glenmore Street, 44-50 Highview Crescent & 35 Thornton Street, Macleod - Proposed aged care development (P58/2021) 6.3 31 Aberdeen Road, Macleod - Demolition of public toilet at Macleod Park (P531/2023)		

<p>7.1 Asset Management Policy Review                  8.1 Proposed Declaration - East Ivanhoe Village Special Charge Scheme                  8.2 Proposed Declaration - Ivanhoe Special Rate and Charge Scheme</p>	
<p><b>Councillors Present:</b>                  Cr Peter Castaldo                  Cr Rick Garotti                  Cr Tom Melican                  Cr Fiona Mitsinikos                  Cr Elizabeth Nealy</p>	
<p><b>Staff Present:</b>                  Allison Beckwith - <i>Chief Executive Officer</i>                  Darren Bennett – <i>Director Assets &amp; City Services</i>                  Marc Giglio – <i>Director Corporate Services</i>                  Natasha Swan – <i>Director City Development</i>                  Kath Brackett – <i>Director Community Wellbeing</i>                  Krysten Forte – <i>Governance Coordinator</i>                  Linda Chapple – <i>Governance &amp; Council Business Specialist</i>                  Joel Elbourne – <i>Manager Planning, Building &amp; Laws</i>                  Jo Wilson – <i>Manager Resilient &amp; Connected Communities</i></p>	
<p><b>Others Present:</b></p>	
<p><b>Conflict of Interest:</b></p>	<p>Cr Rick Garotti – Left the room whilst Item 6.2 was discussed due to Conflict of Interest at 5.58pm and did not return. Item was last item discussed</p>

<b>3</b>	<p><b>Date of Meeting:</b></p>	<p>14 August 2023</p>
	<p><b>Type of Meeting:</b></p>	<p>CEO Employment Matters Committee 6.30pm – 11.00pm</p>
	<p><b>Matters Considered:</b>                  CEO Employment Matters</p>	
	<p><b>Councillors Present:</b>                  Cr Peter Castaldo                  Cr Peter Dimarelos                  Cr Mark Di Pasquale                  Cr Rick Garotti                  Cr Alida McKern                  Cr Fiona Mitsinikos                  Cr Elizabeth Nealy</p>	
	<p><b>Staff Present:</b></p>	

Allison Beckwith - <i>Chief Executive Officer</i> – only present for Performance Review, CEO Presentation and follow up questions regarding scorecard. Toni Toaldo – <i>Manager People and Culture</i> – 6.35pm-6.45pm – Specialist advice on contractual matters	
<b>Others Present:</b> Alan Bawden – <i>Independent Chair</i> – <i>CEO Employment Matters Committee</i>	
<b>Conflict of Interest:</b>	Nil

## RECOMMENDATION

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

### Resolution (CO2023/156)

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

Moved: Cr Alison Champion

Seconded: Cr Mark Di Pasquale

CARRIED

## 4. OUR INCLUSIVE AND CONNECTED COMMUNITY

### 4.1 CAROLS BY CANDLELIGHT 2023

*Cr Peter Dimarelos left the Chamber at 7.57pm.*

*Cr Peter Dimarelos returned to the Chamber at 7.59pm and was present for the vote.*

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

A written statement was read out on behalf of Michael Smith from Friends of Banyule by Natasha Swan Director City Development. Michael was AGAINST the Officer recommendation

A written statement was read out on behalf of Sharon Henderson by Darren Bennett Director Asset and City Services. Sharon was AGAINST the Officer recommendation

## SUMMARY

1. Carols by Candlelight is a highlight of Banyule's festival program, attracting families for singalongs, entertainment and celebration of the festive season.

2. The Carols by Candlelight concert was delivered as an online broadcast in 2020 and, due to State Government regulations regarding public gatherings in 2021 and COVID-19, was relocated from Ivanhoe Park to Greensborough War Memorial Park, where density quotients could be managed effectively.
3. The event has increased in popularity with attendance doubling in the last two (2) years.
4. The intention to hold Carols by Candlelight at different locations on a rotational basis has been impacted by the significant growth of the event in recent years, and the availability of suitable outdoor locations.
5. Following an events analysis and site suitability, it was found that the best grounds for large, outdoor festivals are Greensborough War Memorial Park, Malahang Reserve, and Heidelberg Park Oval.
6. The analysis considered access to parking and public transport, traffic management, number of road closures, emergency egress and safety, infrastructure and access for set up, impact on neighbours and audiences.
7. It is therefore recommended to move Carols by Candlelight permanently to Northern Banyule to ensure that the event can safely grow and offer more residents the opportunity to participate in this much-loved event.
8. Christmas celebrations in Ivanhoe will continue to be a priority for the municipality, residents, and visitors.
9. The Ivanhoe Boulevard Christmas Lights, attracting as many as 10,000 visitors a night, will continue with strong support from Council focused on public safety, neighbourhood amenity and ease of access for residents. Council's support for this community led event will continue in 2023 and beyond.

## RECOMMENDATION

That Council:

1. Endorses Carols by Candlelight to be permanently held at Greensborough War Memorial Park as this site can comfortably and safely accommodate the growing audience that has occurred over the last two (2) years.
2. Notes Council's continued support for the community led Ivanhoe Boulevard Christmas Lights focused on public safety, neighbourhood amenity and ease of access for residents.

## Resolution (CO2023/157)

That Council:

1. Endorses Carols by Candlelight to be held at Greensborough War Memorial Park as this site can comfortably and safely accommodate the growing audience that has occurred over the last two (2) years.
2. Notes Council's continued support for the community led Ivanhoe Boulevard Christmas Lights focused on public safety, neighbourhood amenity and ease of access for residents.

3. Request officers prepare a further report that explores the options, including partnerships, sponsorship and resources for a festival event to be held in southern Banyule.

Moved: Cr Alida McKern  
Seconded: Cr Peter Dimarelos

CARRIED

## 4.2 CREATIVE BANYULE: DRAFT ARTS AND CULTURE STRATEGY 2023 - 2031

### SUMMARY

1. The purpose of this report is to seek Council's endorsement of the draft Creative Banyule: Arts and Culture Strategy 2023-2031 for community consultation.
2. *Creative Banyule* sets out a vision and strategic framework for supporting and growing arts and cultural activity in Banyule into the next decade.
3. Linked directly to the Community Vision 2041 and Council Plan, it aims to put structure around the growth in profile, output and community benefit that arts and culture has enjoyed in Banyule over recent years, as well as direct Council's approach to building on this growth.
4. It recommends five (5) strategic priority focus areas:
  - Foster a sustainable and thriving creative sector
  - Enhance social connection, health and wellbeing
  - Celebrate First Nations culture
  - Create equitable participation in arts and cultural experiences
  - Realise the creative potential of Banyule's spaces and places
5. An action plan will be developed, evaluated, and adapted each year, in place of a whole-of-strategy action plan, to maximise effectiveness and opportunities.
6. The draft Strategy was developed following multiple workshops with the Banyule Arts and Culture Advisory Committee, the Reconciliation Action Plan Committee and a community engagement program including focus groups, workshops, and surveys with 141 community members participating.
7. Public exhibition, pending endorsement, will commence on 4 September 2023 for a period of four (4) weeks, providing a further opportunity to give feedback to inform the final Creative Banyule Arts and Culture Strategy and Action Plan for adoption.

### RECOMMENDATION

That Council:

1. Acknowledge the assistance provided by the Banyule Arts and Culture Advisory Committee in developing the draft Creative Banyule: Arts and Culture Strategy 2023 – 2031 and their recommendation that Council endorse the draft (**Attachment 1**).
2. Endorse the draft Creative Banyule: Arts and Culture Strategy 2023 – 2031 (**Attachment 1**) and Year 1 Action Plan (**Attachment 2**) for a public exhibition and



community consultation period of four (4) weeks commencing 4 September 2023 and concluding on 1 October 2023.

3. Note that the draft Creative Banyule: Arts and Culture Strategy 2023 – 2031 and Year 1 Action Plan will be presented back to Council after the community consultation process has concluded for final adoption.

#### **Resolution (CO2023/158)**

That Council:

1. Acknowledge the assistance provided by the Banyule Arts and Culture Advisory Committee in developing the draft Creative Banyule: Arts and Culture Strategy 2023 – 2031 and their recommendation that Council endorse the draft (**Attachment 1**).
2. Endorse the draft Creative Banyule: Arts and Culture Strategy 2023 – 2031 (**Attachment 1**) and Year 1 Action Plan (**Attachment 2**) for a public exhibition and community consultation period of four (4) weeks commencing 4 September 2023 and concluding on 1 October 2023.
3. Note that the draft Creative Banyule: Arts and Culture Strategy 2023 – 2031 and Year 1 Action Plan will be presented back to Council after the community consultation process has concluded for final adoption.

Moved: Cr Elizabeth Nealy

Seconded: Cr Alison Champion

CARRIED

### **4.3 WATSONIA AFTER DARK FINAL REPORT**

A written statement was read out on behalf of Lucie Holden by Darren Bennett. Lucie was FOR the Officer recommendation.

#### **SUMMARY**

1. The Watsonia After Dark project was delivered in partnership with Yarra Plenty Regional Library (YPRL), Watsonia Branch and the Watsonia Neighbourhood House. This report provides Council with a review on project outcomes.
2. Watsonia After Dark aimed to reduce gambling harm through the provision of alternative after hours activities in Watsonia with the view these activities will promote alternative social connection opportunities for residents.
3. Outcomes of the project identified positive impact on self-reporting of social connection however, evaluation of project was unable to identify impact on reducing attendance and participation in gambling venues and activities.
4. The Watsonia After Dark Final Project Evaluation Report August 2023 (**Attachment 1**) details the final evaluation of the Watsonia After Dark project. Watsonia Neighbourhood House and Watsonia Library provided learnings and reflections to inform this report.
5. Following outcomes from the 17 October 2022 Council Meeting, evaluation opportunities were further scoped to include participant interviews and case studies to reflect personal experiences from participating in Watsonia After Dark projects. Case

studies, participant feedback, number of activities and participants attending are detailed in **Attachment 2**.

6. Between 1 July 2021 and 30 March 2023, Watsonia Neighbourhood House and Watsonia Library reported a total of 91 activities offered as part of the Watsonia After Dark project. Across these 91 activities, there were over 2000 recorded participations, noting it is likely that participants attended two or more activities, or activities across the two sites.
7. Final evaluation of the Watsonia After Dark project was unable to determine whether the project diverted people from attending gambling venues or participating in gambling activities through alternate after-hours activities. However, community meals and family-friendly activities were regularly programmed to building social connection and a sense of belonging.
8. The COVID-19 pandemic significantly impacted the first twelve-months of project implementation and reduced opportunities to embed codesign principles with community and stakeholders to develop activities that meet local priorities and needs.
9. Impacts of COVID-19 also meant that the first twelve-months of project implementation was predominantly undertaken virtually.

### RECOMMENDATION

That Council:

1. Notes the Watsonia After Dark final project report detailed in **Attachment 1** in response to the request from Council at the October 17 2022 Council meeting.
2. Thank and acknowledge the Council project partners: Yarra Plenty Regional Library and Watsonia Neighbourhood House for their commitment towards the reduction of gambling harm and contribution to the Watsonia After Dark project.
3. Note that funding for the Watsonia After Dark project has ceased and the Council funded Project has now been finalised.

### Resolution (CO2023/159)

That Council:

1. Notes the Watsonia After Dark final project report detailed in **Attachment 1** in response to the request from Council at the October 17 2022 Council meeting.
2. Thank and acknowledge the Council project partners: Yarra Plenty Regional Library and Watsonia Neighbourhood House for their commitment towards the reduction of gambling harm and contribution to the Watsonia After Dark project.
3. Note that funding for the Watsonia After Dark project has ceased and the Council funded Project has now been finalised.

Moved: Cr Mark Di Pasquale  
Seconded: Cr Fiona Mitsinikos

CARRIED

## 4.4 INCLUSIVE BANYULE PLAN - YEAR 1 ACHIEVEMENTS REPORT

**SUMMARY**

1. This report provides an overview of the outcomes and provides recommendations that have informed the development of the Year 2 annual action plan (**Attachment 1**).
2. Following the adoption of the Inclusive Banyule Plan 2022-26 in September 2022, Council has implemented the Year 1 annual action plan.
3. Between September 2022 and June 2023, Council has delivered 21 of the 26 actions in full and five (5) of the actions continue to be delivered.
4. In partnership with the Inclusive Banyule Advisory Committee and four population committees: LGBTIQ+, Disability and Inclusion, Multicultural and Age-friendly, a Year 2 annual action plan has been developed.
5. Year 2 actions seek to build upon methods to deliver inclusive practice, to produce tangible resources that inform inclusive practice, to celebrate diversity and inclusion and to reduce barriers for identified groups who experience barriers.
6. Between September 2023 and June 2024, Council plans to deliver 66 inclusive actions, with responsibility for delivery across a range of Council business areas (**Attachment 2**).

**RECOMMENDATION**

That Council:

1. Notes the Inclusive Banyule Achievements Report Year 1 (**Attachment 1**).
2. Thanks the Inclusive Banyule Advisory Committee and LGBTIQ+, Disability and Inclusion, Multicultural and Age-friendly Committees for supporting Council to achieve the reported outcomes.
3. Notes the Inclusive Banyule Year 2 Integrated Action Plan (**Attachment 2**).

**Resolution (CO2023/160)**

That Council:

1. Notes the Inclusive Banyule Achievements Report Year 1 (**Attachment 1**).
2. Thanks the Inclusive Banyule Advisory Committee and LGBTIQ+, Disability and Inclusion, Multicultural and Age-friendly Committees for supporting Council to achieve the reported outcomes.
3. Notes the Inclusive Banyule Year 2 Integrated Action Plan (**Attachment 2**).

Moved: Cr Rick Garotti

Seconded: Cr Elizabeth Nealy

CARRIED

**4.5 DRAFT RESILIENT AND SAFE BANYULE FRAMEWORK- UPDATE AND REQUEST FOR PUBLIC CONSULTATION****SUMMARY**

1. The purpose of this report is to seek Council's endorsement of the draft Resilient and Safe Banyule Framework (**Attachment 1**).
2. The draft Resilient and Safe Banyule Framework (draft Framework) replaces the Safer Banyule Plan, which expired in 2021.
3. The draft Framework has been developed based research which includes an extensive literature review, benchmarking and initial community and staff consultation on resilience meaning and priorities.
4. A resilient and safe Banyule is one where our communities are inclusive and connected, have access to social and economic opportunities, value and protect ecosystems and the natural environment, and harnesses local strengths and resources to ensure that everyone in the community experiences good health and wellbeing, as well as social and economic security.
5. The draft Resilient and Safe Banyule Framework will be a ten (10) year approach and will act as Council's guiding framework to amplify community resilience in Banyule.
6. The purpose of the Framework is to create shared understanding of community resilience across Council, identify the community level protective factors required to maintain and increase resilience with the outcome being the creation of a stronger, more sustainable community beyond emergency situations.

## RECOMMENDATION

That Council:

1. Endorses the Draft Resilient and Safe Banyule Framework for a public consultation period of six (6) weeks commencing 15 September 2023 and concluding 27 October 2023 (**Attachment 1**).
2. Note that the final Resilient and Safe Banyule Framework will be presented to Council after the community consultation process has concluded for adoption.

## Resolution (CO2023/161)

That Council:

1. Endorses the Draft Resilient and Safe Banyule Framework for a public consultation period of six (6) weeks commencing 15 September 2023 and concluding 27 October 2023 (**Attachment 1**).
2. Note that the final Resilient and Safe Banyule Framework will be presented to Council after the community consultation process has concluded for adoption.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

## 5. OUR SUSTAINABLE ENVIRONMENT

Nil

## 6. OUR WELL-BUILT CITY

### 6.1 2 & 4 CARLYLE CRESCENT, BELLFIELD - PROPOSED FOUR STOREY APARTMENT DEVELOPMENT (P2/2023)

Chris Mackenzie from Melbourne Planning Solutions addressed Council in person and was speaking FOR the Officer recommendation

Sebastian Alexiadis addressed Council in person and was speaking AGAINST the Officer recommendation

Maree Sier-Trentin addressed Council in person and was speaking AGAINST the Officer recommendation

Andrew Podbury addressed Council in person and was speaking AGAINST the Officer recommendation

#### SUMMARY

1. The proposal detailed in this report is for a four (4) storey apartment building across two sites, with two basement levels, resulting in a total 25 dwellings.
2. The application is assessed against the objectives, guidelines and design requirements of the Residential Growth Zone (Schedule 8) and Design and Development Overlay (Schedule 16) at Clauses 32.07 and 43.02 of the Banyule Planning Scheme, respectively, and is included within the 'Postcode 3081' Urban Design Framework, introduced in October 2020.
3. The application was placed on public notification in June 2023, with a total of 89 objections received to date. The objections raise grounds including overdevelopment, response to the urban design framework and parking and traffic concerns. A community consultation meeting was held in July 2023 attended by the permit applicant and objectors. A recommendation on the proposal is referred to Council due to the level of community interest.
4. Application plans were amended after the public notice period and consultation meeting detailed in point 3. These plans addressed officer concerns of the street and neighbour presentation, with a mix of lightweight materials and visual breakages introduced.
5. It is considered that the proposed development strikes an acceptable balance between policy objectives which support a higher density outcome in the area and having appropriate regard the landscape character of the area and interface with Ford Park opposite the site. 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. P2/2023 for Construction of a Four Storey Apartment Building, Subject to the Residential Growth Zone – Schedule 8 and Design and Development Overlay – Schedule 16 at 2 & 4 Carlyle Crescent BELLFIELD subject to the following conditions:

#### Amended Plans

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

in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted 26 July 2023 with the application but modified to show:

- (a) All floor plans to show sections of solid and glass balustrades on balconies;
- (b) A reduction in the concrete balustrades to the third floor balconies along the South and West Elevations through the introduction of additional glazing or other muted materials, to the satisfaction of the Responsible Authority;
- (c) Front fence concrete sections to be no higher than 1.8m along the east and south boundaries, with the fence sloped with the land to account for level changes;
- (d) The basement(s) and ground floor plans to plot the northern easement with distance from the boundary;
- (e) All air conditioning units located within the central roof area and basement levels;
- (f) Details of screening devices for all other air conditioning units located on the roof to minimise visibility from the public realm;
- (g) Any separate structure containing electrical or water meters or other site services must be located within the basement levels of the building;
- (h) Features to improve identification of the main entrance.
- (i) The mailboxes located in accordance with Australia Post guidelines with elevations and details of design;
- (j) Location and sizing of photovoltaic power generation systems;
- (k) All sustainable design features indicated in the submitted Sustainable Management Plan (SMP). Where sustainable design features outlined in the SMP cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
- (l) Notations for the use of double-glazed windows in conjunction with the SMP on all applicable windows;
- (m) Alternative selection of the roof colour required to minimise the urban heat island effect with a maximum Solar Absorptance (SA) of 0.70;
- (n) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials; the schedule should be presented on a separate sheet and must include colour samples;
- (o) Development Drainage Plans in accordance with Condition 3 of this permit;
- (p) An Amended Landscape Plan in accordance with Condition 4 of this permit;

- (q) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
- (r) An Amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;
- (s) An Amended Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
- (t) An Amended Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 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 must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer including:
  - (a) The use of an On-site Stormwater Detention (OSD) system;
  - (b) The connection to the Council nominated Legal Point of Discharge;
  - (c) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainable Management Plan (SMP) and STORM report and include drainage details as a result of landscaping;
  - (d) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
  - (e) The Tree Protection Zone and Structural Root Zone of Trees #3, #4, #5, #6, #23, #24 and #25 as identified in the submitted Arboricultural Report shown to be retained;

### **Landscape Plan**

4. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by Keystone Alliance dated 9 May 2023 but modified to include:

- (a) Amendments required by Condition 1 of this permit;
- (b) Provision of the following minimum plantings:
  - i. Nine (9) medium canopy tree(s) (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre);
  - ii. Twelve (12) small canopy tree(s) (mature height of at least 5m) planted throughout the site;
  - iii. In accordance with the layout previously provided in the above landscape plan.
- (c) An indigenous and/or drought tolerant planting theme;
- (d) 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;
- (e) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
- (f) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
- (g) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.

### **Waste Management Plan**

- 5. Before the development permitted by this permit commences, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by Low Impact Development Consulting dated 28 March 2023 but modified to include:
  - (a) Hard waste room to have a roller instead of hinge door;
  - (b) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land;
  - (c) Collection is to be by way of private contractor with removal of all council collection references;

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



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**Sustainability Management Plan (SMP)**

6. Before the development permitted by this permit commences, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. When approved, the amended SMP will be endorsed and will form part of this permit. The plan must be generally in accordance with the SMP prepared by Keystone Alliance dated March 2023 but modified to include (but not limited to):
- (a) Final NatHERS Star Rating Certificates for a representative sample of apartment types to illustrate an average rating of 7-stars across the development with no unit achieving less than 6-stars;
  - (b) An Implementation Schedule, Identifying the responsible parties and project stage for the implementation of each ESD initiative;
  - (c) Amended rooftop plan to reflect nominated skylights;
  - (d) Daylight modelling (floor by floor mapping) surmised on page 18;
  - (e) Distance of breeze paths for living areas, noting that single-sided ventilation for bedrooms less than 5m deep is allowed for multi-unit developments;
  - (f) Tap and floor waste to each apartment;
  - (g) Clarify best-approach to PVC materials and products;
  - (h) EV charging infrastructure to include cabling back to the main switchboard has a minimum capacity of Level 2 (Mode 3) 11 kW, 16 Amp (3-phase) at each port for residential parking spaces;

**Environmentally Sustainable Development (ESD) Drawing**

7. Before the development permitted by this permit commences, an amended 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 amended ESD Drawing will be endorsed and will form part of this permit. The ESD Drawing must be generally in accordance with the ESD Drawing prepared by Residential Building Design dated 23 July 2023 but modified to 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. Rainwater Tanks volume claimed and end use connections to toilets, laundry or irrigation systems;

- ii. The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
- iii. Water Efficient Landscaping design features;
- iv. The location and system size of the Solar PV systems;
- v. The NatHERS Energy Rating for each apartment, annotated and emboldened;
- vi. The Hot Water unit type and energy rating;
- vii. The Heating System type and energy rating;
- viii. The Cooling System type and energy rating;
- ix. Clotheslines and locations;
- x. External Lighting including Motion Detectors in their respective locations;
- xi. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- xii. Cross-flow ventilation breeze paths annotated for each habitable room (bedrooms and living spaces), demonstrating compliance as per BESS requirements;
- xiii. The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- xiv. The location and depth of external fixed horizontal overhangs to all north facing windows;
- xv. 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;
- xvi. The location and shading type of adjustable external shading to all east and west facing windows;
- xvii. Secure bicycle parking storage spaces location and type of storage system;
- xviii. Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity of Level 2 (Mode 3) 7 kW 32 Amp EV car charging at each garage/carport;
- xix. 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;
- xx. Vegetated area site coverage; this is the area covered in vegetation including plantings and grass;
- xxi. Tap and Floor Waste (drain) locations in private open spaces and balconies;
- xxii. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70.
- xxiii. Utility metering provided for all individual residential dwellings;
- xxiv. 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;

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

8. Before the development permitted by this permit commences, an amended 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 amended WSUD Drawing will be endorsed and will form part of this permit. The WSUD Drawing must be generally in accordance with the WSUD Drawing prepared by Residential Building Design but modified to include:
- (a) All features nominated within the associated SDA and STORM Report identified under Condition 6 as follows:
    - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
    - ii. A roof plan demonstrating the portion of the roof and balconies diverted into the rainwater treatment/storage device;

### **ESD Certification**

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

This report must at a minimum include the following:

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

### **ESD Inspection**

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

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

### **Occupation of Development**

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

### **Urban Design**

12. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
13. 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.
14. 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.
15. 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.

### **Development Contribution Levy**

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

**Construction Management Plan**

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

Note:

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

**Council Street Trees**

18. Prior to the commencement of development and removal of street trees ID #70296 and #70297 (Trees #1 and #2 in the submitted arborist report), the required fee for the planting of six (6) new street tree(s) 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.

**Section 173 Agreement (Waste)**

19. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit starts, the owner of the land at 2 & 4 Carlyle Crescent BELLFIELD must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement shall require that:
- (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P[Document number]/[document year];
  - (b) Hard Waste Collection from the site is to be limited to no more than six communal collections in a calendar year, with each dwelling having access to no more than two such collections. Responsibility for the booking and allocation of collections is to be borne by the Body Corporate;
  - (c) A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

**Tree Protection Zone**

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20. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including Trees #3, #4, #5, #6, #23, #24 and #25 to the satisfaction of the Responsible Authority:

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

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by Treespace Solutions dated 24 February 2023 or as follows:

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
  - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
  - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required;
  - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority;
  - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible;
  - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority;
  - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area;
  - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;
  - ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
  - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
  - xi. Ground protection must be laid down where access is required through a

- TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;
- xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority;
- (b) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
- i. A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
- ii. Any tree pruning is to confirm to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
- iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority;
- iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works;

### **No Damage to Vegetation**

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

### **Vegetation Retention**

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

### **Car Park**

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

#### **Expiry of permit**

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

#### **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) Drainage Plan Requirements**

Please contact Council's Developments and Drainage Department via [enquiries@banyule.vic.gov.au](mailto: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.

##### **(C) 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.



**(D) 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).

**(E) Building Permit Required**

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

**(F) 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.

**(G) 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.

**(H) Construction Management Plan**

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.

**(I) 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, however it is Council's intention to number the proposed allotments as follows:

Apartment 1	G	1	13A Davidson Street BELLFIELD
Apartment 2	G	2	13A Davidson Street BELLFIELD
Apartment 3	G	3	13A Davidson Street BELLFIELD
Apartment 4	G	4	13A Davidson Street BELLFIELD
Apartment 5	G	5	13A Davidson Street BELLFIELD
Apartment 6	G	6	13A Davidson Street BELLFIELD
Apartment 7	G	7	13A Davidson Street BELLFIELD
Apartment 8	L1	1	13A Davidson Street BELLFIELD
Apartment 9	L1	2	13A Davidson Street BELLFIELD
Apartment 10	L1	3	13A Davidson Street BELLFIELD
Apartment 11	L1	4	13A Davidson Street BELLFIELD
Apartment 12	L1	5	13A Davidson Street BELLFIELD
Apartment 13	L1	6	13A Davidson Street BELLFIELD
Apartment 14	L1	7	13A Davidson Street BELLFIELD
Apartment 15	L2	1	13A Davidson Street BELLFIELD

Apartment 16	L2	2	13A Davidson Street BELLFIELD
Apartment 17	L2	3	13A Davidson Street BELLFIELD
Apartment 18	L2	4	13A Davidson Street BELLFIELD
Apartment 19	L2	5	13A Davidson Street BELLFIELD
Apartment 20	L2	6	13A Davidson Street BELLFIELD
Apartment 21	L2	7	13A Davidson Street BELLFIELD
Apartment 22	L3	1	13A Davidson Street BELLFIELD
Apartment 23	L3	2	13A Davidson Street BELLFIELD
Apartment 24	L3	3	13A Davidson Street BELLFIELD
Apartment 25	L3	4	13A Davidson Street BELLFIELD

**(J) 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.

**(K) Asset Inspection Fee**

Prior to the commencement of building works on site in accordance with Local Law 1, a non-refundable Asset Inspection Fee is payable to Council for the inspection of existing Council assets. For further information in relation to this process and the relevant fee please contact Council's Construction Department on 9490 4222.

**(L) Development Contribution 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](mailto:dcpofficer@banyule.vic.gov.au) including the address of the land that is being developed.

**Resolution (CO2023/162)****RECOMMENDATION A**

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P2/2023 for Construction of a Four Storey Apartment Building, Subject to the Residential Growth Zone – Schedule 8 and Design and Development Overlay – Schedule 16 at 2 & 4 Carlyle Crescent BELLFIELD subject to the following conditions:

**Amended Plans**

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

part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted 26 July 2023 with the application but modified to show:

- (a) All floor plans to show sections of solid and glass balustrades on balconies;
- (b) A reduction in the concrete balustrades to the third floor balconies along the South and West Elevations through the introduction of additional glazing or other muted materials, to the satisfaction of the Responsible Authority;
- (c) Front fence concrete sections to be no higher than 1.8m along the east and south boundaries, with the fence sloped with the land to account for level changes;
- (d) The basement(s) and ground floor plans to plot the northern easement with distance from the boundary;
- (e) All air conditioning units located within the central roof area and basement levels;
- (f) Details of screening devices for all other air conditioning units located on the roof to minimise visibility from the public realm;
- (g) Any separate structure containing electrical or water meters or other site services must be located within the basement levels of the building;
- (h) Features to improve identification of the main entrance.
- (i) The mailboxes located in accordance with Australia Post guidelines with elevations and details of design;
- (j) Location and sizing of photovoltaic power generation systems;
- (k) All sustainable design features indicated in the submitted Sustainable Management Plan (SMP). Where sustainable design features outlined in the SMP cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc);
- (l) Notations for the use of double-glazed windows in conjunction with the SMP on all applicable windows;
- (m) Alternative selection of the roof colour required to minimise the urban heat island effect with a maximum Solar Absorptance (SA) of 0.70;
- (n) A schedule of external building materials, colours and finishes, including details of cladding and roofing materials; the schedule should be presented on a separate sheet and must include colour samples;
- (o) Development Drainage Plans in accordance with Condition 3 of this permit;

- (p) An Amended Landscape Plan in accordance with Condition 4 of this permit;
- (q) An Amended Waste Management Plan in accordance with Condition 5 of this permit;
- (r) An Amended Sustainability Management Plan (SMP) in accordance with Condition 6 of this permit;
- (s) An Amended Environmentally Sustainable Development (ESD) Drawing in accordance with Condition 7 of this permit;
- (t) An Amended Water Sensitive Urban Design (WSUD) Drawing in accordance with Condition 8 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 must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer including:
  - (a) The use of an On-site Stormwater Detention (OSD) system;
  - (b) The connection to the Council nominated Legal Point of Discharge;
  - (c) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainable Management Plan (SMP) and STORM report and include drainage details as a result of landscaping;
  - (d) A properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
  - (e) The Tree Protection Zone and Structural Root Zone of Trees #3, #4, #5, #6, #23, #24 and #25 as identified in the submitted Arboricultural Report shown to be retained;

**Landscape Plan**

4. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by Keystone Alliance dated 9 May 2023 but modified to include:

- (a) Amendments required by Condition 1 of this permit;
- (b) Provision of the following minimum plantings:
  - i. Nine (9) medium canopy tree(s) (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre);
  - ii. Twelve (12) small canopy tree(s) (mature height of at least 5m) planted throughout the site;
  - iii. In accordance with the layout previously provided in the above landscape plan.
- (c) An indigenous and/or drought tolerant planting theme;
- (d) 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;
- (e) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
- (f) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
- (g) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.

### **Waste Management Plan**

5. Before the development permitted by this permit commences, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be prepared by a suitably qualified waste engineer. The plan must be generally in accordance with the WMP prepared by Low Impact Development Consulting dated 28 March 2023 but modified to include:

- (a) Hard waste room to have a roller instead of hinge door;
- (b) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property will be provided internally by a private contractor at the expense of the owner of the land;
- (c) Collection is to be by way of private contractor with removal of all council collection references;

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

by the Responsible Authority.

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

6. Before the development permitted by this permit commences, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. When approved, the amended SMP will be endorsed and will form part of this permit. The plan must be generally in accordance with the SMP prepared by Keystone Alliance dated March 2023 but modified to include (but not limited to):
- (a) Final NatHERS Star Rating Certificates for a representative sample of apartment types to illustrate an average rating of 7-stars across the development with no unit achieving less than 6-stars;
  - (b) An Implementation Schedule, Identifying the responsible parties and project stage for the implementation of each ESD initiative;
  - (c) Amended rooftop plan to reflect nominated skylights;
  - (d) Daylight modelling (floor by floor mapping) surmised on page 18;
  - (e) Distance of breeze paths for living areas, noting that single-sided ventilation for bedrooms less than 5m deep is allowed for multi-unit developments;
  - (f) Tap and floor waste to each apartment;
  - (g) Clarify best-approach to PVC materials and products;
  - (h) EV charging infrastructure to include cabling back to the main switchboard has a minimum capacity of Level 2 (Mode 3) 11 kW, 16 Amp (3-phase) at each port for residential parking spaces;

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

7. Before the development permitted by this permit commences, an amended 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 amended ESD Drawing will be endorsed and will form part of this permit. The ESD Drawing must be generally in accordance with the ESD Drawing prepared by Residential Building Design dated 23 July 2023 but modified to 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. Rainwater Tanks volume claimed and end use connections to toilets,

- laundry or irrigation systems;
- ii. The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
- iii. Water Efficient Landscaping design features;
- iv. The location and system size of the Solar PV systems;
- v. The NatHERS Energy Rating for each apartment, annotated and emboldened;
- vi. The Hot Water unit type and energy rating;
- vii. The Heating System type and energy rating;
- viii. The Cooling System type and energy rating;
- ix. Clotheslines and locations;
- x. External Lighting including Motion Detectors in their respective locations;
- xi. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
- xii. Cross-flow ventilation breeze paths annotated for each habitable room (bedrooms and living spaces), demonstrating compliance as per BESS requirements;
- xiii. The location of double-glazed windows annotated with glazing specification (U value and SHGC) on each window;
- xiv. The location and depth of external fixed horizontal overhangs to all north facing windows;
- xv. 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;
- xvi. The location and shading type of adjustable external shading to all east and west facing windows;
- xvii. Secure bicycle parking storage spaces location and type of storage system;
- xviii. Electrical Vehicle charging infrastructure, with a notation to show a minimum capacity of Level 2 (Mode 3) 7 kW 32 Amp EV car charging at each garage/carport;
- xix. 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;
- xx. Vegetated area site coverage; this is the area covered in vegetation including plantings and grass;
- xxi. Tap and Floor Waste (drain) locations in private open spaces and balconies;
- xxii. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70.
- xxiii. Utility metering provided for all individual residential dwellings;
- xxiv. 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;

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

8. Before the development permitted by this permit commences, an amended 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 amended WSUD Drawing will be endorsed and will form part of this permit. The WSUD Drawing must be generally in accordance with the WSUD Drawing prepared by Residential Building Design but modified to include:
- (a) All features nominated within the associated SDA and STORM Report identified under Condition 6 as follows:
    - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets and laundry, as claimed;
    - ii. A roof plan demonstrating the portion of the roof and balconies diverted into the rainwater treatment/storage device;

#### **ESD Certification**

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

This report must at a minimum include the following:

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

#### **ESD Inspection**

10. Prior to the issue of Statement of Compliance or Occupation (whichever comes first), the owner or developer must notify Council's Development Planning section that the



development is complete to allow for an inspection of ESD features as shown on the endorsed documents. Council will visit the site to inspect or require suitable evidence to be provided, to ensure ESD features have been installed, to the satisfaction of the Responsible Authority.

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

### **Occupation of Development**

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

### **Urban Design**

12. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
13. 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.
14. 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.
15. 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.

### **Development Contribution Levy**

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

### Construction Management Plan

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

Note:

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

### Council Street Trees

18. Prior to the commencement of development and removal of street trees ID #70296 and #70297 (Trees #1 and #2 in the submitted arborist report), the required fee for the planting of six (6) new street tree(s) 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.

### Section 173 Agreement (Waste)

19. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit starts, the owner of the land at 2 & 4 Carlyle Crescent BELLFIELD must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement shall require that:
  - (a) The owner acknowledge that all refuse and recycling collection will occur by way of a private contractor in accordance with the approved Waste Management Plan endorsed under Planning Permit P[Document number]/[document year];
  - (b) Hard Waste Collection from the site is to be limited to no more than six communal collections in a calendar year, with each dwelling having access to no more than two such collections. Responsibility for the booking and allocation of collections is to be borne by the Body Corporate;
  - (c) A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

### Tree Protection Zone

20. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including Trees #3, #4, #5, #6, #23, #24 and #25 to the satisfaction of the Responsible Authority:

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

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by Treespace Solutions dated 24 February 2023 or as follows:

- (a) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
- i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
  - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
  - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required;
  - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority;
  - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible;
  - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority;
  - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area;
  - viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;
  - ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
  - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
  - xi. Ground protection must be laid down where access is required through a

- TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;
- xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority;
- (b) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
- i. A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
- ii. Any tree pruning is to conform to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
- iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority;
- iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site demolition, levelling and landscape works;

### **No Damage to Vegetation**

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

### **Vegetation Retention**

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

### **Car Park**

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

#### **Expiry of permit**

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

#### **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) Drainage Plan Requirements**

Please contact Council's Developments and Drainage Department via [enquiries@banyule.vic.gov.au](mailto: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.

##### **(C) 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.

**(D) 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).

**(E) Building Permit Required**

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

**(F) 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.

**(G) 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.

**(H) Construction Management Plan**

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.

**(I) 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, however it is Council's intention to number the proposed allotments as follows:

Apartment 1	G	1	13A Davidson Street BELLFIELD
Apartment 2	G	2	13A Davidson Street BELLFIELD
Apartment 3	G	3	13A Davidson Street BELLFIELD
Apartment 4	G	4	13A Davidson Street BELLFIELD
Apartment 5	G	5	13A Davidson Street BELLFIELD
Apartment 6	G	6	13A Davidson Street BELLFIELD
Apartment 7	G	7	13A Davidson Street BELLFIELD
Apartment 8	L1	1	13A Davidson Street BELLFIELD
Apartment 9	L1	2	13A Davidson Street BELLFIELD
Apartment 10	L1	3	13A Davidson Street BELLFIELD
Apartment 11	L1	4	13A Davidson Street BELLFIELD
Apartment 12	L1	5	13A Davidson Street BELLFIELD
Apartment 13	L1	6	13A Davidson Street BELLFIELD
Apartment 14	L1	7	13A Davidson Street BELLFIELD
Apartment 15	L2	1	13A Davidson Street BELLFIELD

Apartment 16	L2	2	13A Davidson Street BELLFIELD
Apartment 17	L2	3	13A Davidson Street BELLFIELD
Apartment 18	L2	4	13A Davidson Street BELLFIELD
Apartment 19	L2	5	13A Davidson Street BELLFIELD
Apartment 20	L2	6	13A Davidson Street BELLFIELD
Apartment 21	L2	7	13A Davidson Street BELLFIELD
Apartment 22	L3	1	13A Davidson Street BELLFIELD
Apartment 23	L3	2	13A Davidson Street BELLFIELD
Apartment 24	L3	3	13A Davidson Street BELLFIELD
Apartment 25	L3	4	13A Davidson Street BELLFIELD

**(J) 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.

**(K) Asset Inspection Fee**

Prior to the commencement of building works on site in accordance with Local Law 1, a non-refundable Asset Inspection Fee is payable to Council for the inspection of existing Council assets. For further information in relation to this process and the relevant fee please contact Council's Construction Department on 9490 4222.

**(L) Development Contribution 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](mailto:dcpofficer@banyule.vic.gov.au) including the address of the land that is being developed.

**RECOMMENDATION B**

That:

1. Council seek a report outlining opportunities to review the State Government investment in public transport within the Postcode 3081 area with respect to the housing projections that supported the 3081 Urban Design Framework.
2. Council undertake traffic counts on Carlyle Crescent, Davidson Street, Harrison Street and Liberty Parade prior to the development commencing'.
3. Council's Transport Engineering team undertake a review of parking and the need for parking restrictions in the surrounding area in accordance with Council's On Street Parking Management Framework 6 months after the completion of the development.'

Moved: Cr Peter Dimarelos  
Seconded: Cr Rick Garotti

CARRIED



**6.2 BELLFIELD REDEVELOPMENT PRECINCT - PROPOSED AMENDED DEVELOPMENT PLAN (P1654/2021 PT2)**

Paul Morland addressed Council in person and was speaking AGAINST the Officer recommendation

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

Billy Rebakis from Urbis Planning Consultants provided a video submission which was presented and was presenting FOR the Officer recommendation.

**SUMMARY**

1. The Development Plan for the Bellfield Precinct Redevelopment Site at 96-100 Oriel Road and 230-232 Banksia Street, Bellfield was approved in March 2022, allowing:
  - Buildings ranging in height from three to six storeys;
  - A maximum of 390 dwellings comprised of a mix of apartments, lofts and townhouses; and
  - A maximum of two (2) retail premises.
2. An application to amend the approved Development Plan has been submitted, proposing the following changes:
  - A maximum of 400 dwellings
  - Increased building heights to seven storeys (Building 1B) and five (5) storeys (Buildings 1A and 1C)
  - Deletion of the four (4) storey loft apartment building and replacement with three (3) to four (4) storey townhouses
  - Deletion of the central linear park
  - Removal of trees #18 *Angophora costata* and #55 *Eucalyptus scoparia*
  - Alteration to vehicle access arrangements
  - Further parking reductions to one (1) bedroom apartments
3. Public notification of the amended Development Plan was carried out by mail to surrounding property owners and occupiers and the installation of six (6) signs on the subject site. Seven (7) submissions have been received.
4. A Section 72 Amendment to the permit P1616/2021 is being considered concurrently, seeking approval to increase the total number of dwellings to 385 and a further 29 space parking reduction. This is considered to be generally in accordance with the Development Plan and will not require public notification. This application will further resolve details around ESD, landscaping, design detail and car parking.
5. The amended Development Plan continues to meet many of the objectives and directions of both the Urban Design Guidelines (UDG) and Development Plan Overlay - Schedule 8 (DPO8). Some variations to the guidelines, including building heights and removal of a high retention tree are proposed.

6. Overall, the amended Development Plan is considered to generally accord with the objectives of the UDG and DPO8 and it is recommended to approve the Development Plan subject to amendments for tree retention and additional on-site parking provision.
7. Following approval of the amended Development Plan, it is anticipated that the associated amendment to the planning permit will be determined at a future Council Meeting.

### RECOMMENDATION A

That Council having complied with Section 60 of the *Planning and Environment Act 1987*, resolves to approve the amended **Development Plan** in respect of Application No. P1654/2021 for the Bellfield Redevelopment Precinct at 96-100 Oriel Road BELLFIELD and 230-232 Banksia Street BELLFIELD, subject to the following amendments:

1. Tree #18 '*Angophora Costata*' shown for retention and incorporated into the design response.
2. Further details and changes to the pedestrian link through the centre of the site, including:
  - a. Confirmation of how public access through the site will be retained.
  - b. The footpath increased to a minimum width of 3m to enable shared cyclist and pedestrian use.
  - c. Splaying of the footpath to Daphne Crescent.
  - d. Provision of space for future sculpture or public art at the Daphne Crescent entrance to the pedestrian link.

### Resolution (CO2023/163)

That Council having complied with Section 60 of the *Planning and Environment Act 1987*, resolves to approve the amended **Development Plan** in respect of Application No. P1654/2021 for the Bellfield Redevelopment Precinct at 96-100 Oriel Road BELLFIELD and 230-232 Banksia Street BELLFIELD, subject to the following amendments:

1. Tree #18 '*Angophora Costata*' shown for retention and incorporated into the design response.
2. Further details and changes to the pedestrian link through the centre of the site, including:
  - a. Confirmation of how public access through the site will be retained.
  - b. The footpath increased to a minimum width of 3m to enable shared cyclist and pedestrian use.
  - c. Splaying of the footpath to Daphne Crescent.
  - d. Provision of space for future sculpture or public art at the Daphne Crescent entrance to the pedestrian link.
3. Building 1B reduced to six storeys in heights.

Moved: Cr Peter Dimarelos  
Seconded: Cr Mark Di Pasquale

CARRIED

### **6.3 PLANNING AND BUILDING ACTIVITIES - JANUARY TO JUNE 2023**

#### **SUMMARY**

1. This report presents and provides commentary on the January to June 2023 activities of Development Planning and Building with key highlights from the review period.

#### **Development Planning**

2. The number of planning applications and requests received decreased by 10.7% for the 2022-23 financial year as compared to the previous financial year.
3. The total number of 'Live' (current) planning applications and requests remained below 400 resulting in a new target of 375.
4. 82% of planning applications were determined within the 60 statutory days and 90% of VicSmart applications were determined within the ten (10) business day statutory timeframe. This is an improvement on the previous review period.
5. Applications for multi dwelling development decreased substantially in the review period by approximately 47% from 108 to 57. This is the lowest number received in a six (6) month period since at least July 2017.
6. There has been a decrease in the number of decisions which have been overturned by the Victorian Civil and Administrative Tribunal throughout the review period with 27% of applications for review set aside by the Tribunal. This is compared to 40% in the previous six months and has resulted in an increase in decisions upheld with 37% of decisions upheld.
7. No 'out of time' appeals were received in the review period.
8. The average Built Environment Sustainability Scorecard (BESS) score increased from 55.13% to 56.91% in the financial year that the efforts of the Development Planning team to improve outcomes is being reflected in improvements in the average score.
9. The Development Planning team have verified Environmentally Sustainable Development requirements were implemented for 32% of completed developments in the financial year exceeding the 10% target.
10. The percentage of all-electric developments increased by 16% in the 2022/23 financial year from 10% to 26%.

#### **Building Services and Banyule Bpi**

11. 304 building permits were issued compared to 371 for the previous January – June 2022 review period. This is a 22% decrease.
12. Banyule BPI's financial position for July '22 to June '23 is a \$181,859 cost, excluding corporate overheads.
13. The number of outstanding enforcement investigations have reduced by 40 over the review period which is a 26.7% decrease.

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**RECOMMENDATION**

That Council note the Planning and Building Activities Report for the period January to June 2023.

**Resolution (CO2023/164)**

That Council note the Planning and Building Activities Report for the period January to June 2023.

Moved: Cr Alida McKern

Seconded: Cr Rick Garotti

CARRIED

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

Nil

**8. OUR THRIVING LOCAL ECONOMY****8.1 INCLUSIVE EMPLOYMENT PROGRAM 2022/23 FY - END OF PROGRAM UPDATE****SUMMARY**

1. Council's Inclusive Employment Program (IEP) for the 2022-23 financial year concluded in June 2023.
2. 14 participants successfully completed the program and strong outcomes were achieved. Seven (7) participants gained further employment and five (5) participants joined Council's casual pool.
3. An evaluation of the IEP was undertaken to assess the impact and outcomes for participants and Council.
4. This evaluation found that the IEP has been successful in supporting people experiencing barriers to employment to increase their participation in employment and develop professionally.
5. Some opportunities for improvement of the IEP were also highlighted. This includes exploring partnerships with external entities to provide support to participants, revising the program start date, opportunities to improve access, and improving the workshop format and content.
6. In response to the evaluation completed, a number of continuous improvement initiatives have been prioritised – some are already fully or partially complete, and others are planned for completion within the 2023-24 financial year.
7. Preparations for the IEP to be delivered in the 2023-24 financial year have commenced.

**RECOMMENDATION**

That Council:

1. Notes the achievements of the Inclusive Employment Program and continues to support its implementation.

2. Receives a further Council Report update on the Inclusive Employment Program following the conclusion of the 2023-24 financial year program.

**Resolution (CO2023/165)**

That Council:

1. Notes the achievements of the Inclusive Employment Program and continues to support its implementation.
2. Receives a further Council Report update on the Inclusive Employment Program following the conclusion of the 2023-24 financial year program.

Moved: Cr Rick Garotti

Seconded: Cr Elizabeth Nealy

CARRIED

## **8.2 ACCESS IMPROVEMENTS TO THE INCLUSIVE EMPLOYMENT PROGRAM SUMMARY**

1. On 17 April 2023, Council noted the Reconciliation Action Plan (RAP) Advisory Committee's support for the Aboriginal and Torres Strait Islander Employment Pathways Research Report and requested officers prepare a further report on the viability and resource implications of the recommendations and its impacts on Council's Inclusive Employment Program, noting that this report will also be shared with the RAP and all other Population and Advisory Committees.
2. This report is in response to that resolution and proposes changes to the Inclusive Employment Program (IEP), to improve accessibility for Aboriginal and Torres Strait Islander people and for people living with a disability.
3. The current IEP consists of up to 19 job outcomes per year, made up of 15 IEP placements and four (4) transitional pathway placements.
4. Of these, three (3) would be targeted towards Aboriginal and Torres Strait Islander people with a connection to Banyule. However, this target will remain flexible based on the needs and demands of the community each year.
5. It is proposed that the new Aboriginal and Torres Strait Islander Traineeship program is delivered in partnership with Warumilang (Aboriginal and Torres Strait Islander Program by AFL SportsReady).
6. The proposed changes to the Inclusive Employment Program to improve access for Aboriginal and Torres Strait Islander people have been shared with all Population Committees, where no objections were noted.
7. During consultation with Council's Population Committees, a discussion on barriers for other community groups accessing the IEP was also opened which has helped to identify a number of continuous improvement opportunities, particularly for people living with a disability.
8. This new program will sit alongside the IEP to strengthen inclusive employment outcomes for Aboriginal and Torres Strait Islander people.

9. It is proposed as a viable model for Council to test for a two (2) year period and can be delivered within existing budget.

#### RECOMMENDATION

That Council:

1. Endorse the recommended changes to the Inclusive Employment Program including improvements to access, particularly for Aboriginal and Torres Strait Islander people and for people living with a disability.
2. Note that the current IEP consists of up to 19 job outcomes per year, made up of 15 IEP placements and four (4) transitional pathway placements. Of these, three (3) would be targeted towards Aboriginal and Torres Strait Islander people with a connection to Banyule. However, this target will remain flexible based on the needs and demands of the community each year.
3. Endorse the development and delivery of the Aboriginal and Torres Strait Islander Traineeship program for a two (2) year pilot.
4. Request a further evaluation report at the end of the program pilot.

#### **Resolution (CO2023/166)**

That Council:

1. Endorse the recommended changes to the Inclusive Employment Program including improvements to access, particularly for Aboriginal and Torres Strait Islander people and for people living with a disability.
2. Note that the current IEP consists of up to 19 job outcomes per year, made up of 15 IEP placements and four (4) transitional pathway placements. Of these, three (3) would be targeted towards Aboriginal and Torres Strait Islander people with a connection to Banyule. However, this target will remain flexible based on the needs and demands of the community each year.
3. Endorse the development and delivery of the Aboriginal and Torres Strait Islander Traineeship program for a two (2) year pilot.
4. Request a further evaluation report at the end of the program pilot.

Moved: Cr Rick Garotti

Seconded: Cr Alison Champion

CARRIED

#### 9. NOTICES OF MOTION

Nil

## 10. GENERAL BUSINESS

### **Ivanhoe Grammar Visit – Year 3 Class**

Deputy Mayor, Cr McKern shared her recent presentation with Year 3 Ivanhoe Grammar Students who are studying community connectedness and healthy eating. Cr McKern spoke to the students about Council's Urban Food Strategy which promoted robust conversations about what makes a community healthy.

Cr McKern shared some of the artwork that the students completed which was shared to the Council Chamber and Gallery.

### **Art Exhibition Opening at ILCH – Murray Griffin & Julia Greenham**

Deputy Mayor, Cr McKern and Mayor Cr Castaldo attended the opening of the Art exhibitions at Ivanhoe Library & Cultural Hub (ILCH) for Murray Griffin & Julia Greenham recently. Both are very popular exhibitions evidenced by the full house in attendance for the openings.

### **Montmorency and Lower Plenty Scout Group Annual Reporting and Presentations (ARAPs)**

World Scout Day is celebrated and acknowledged around the world on 1<sup>st</sup> August every year. The Scout movement has members ranging in age from 5 to 25 years old and is known for weekly meetings, activities and weekend camps during the school terms.

Cr Champion attended Annual Reporting and Presentations (ARPs) for Montmorency and Lower Plenty Scout Groups.

This year several achievement awards were presented to Joeys, Scouts, Venturers and Rovers across both groups. The highest and most prestigious award a Scout can achieve is the King/Queen Scout Award which was presented to a Montmorency Scout Group Venturer.

Cr Champion acknowledged the Scout movement continues to create leaders of the community's children and youth for the future.

### **Bakewell Ward Meeting - Wednesday 6<sup>th</sup> September**

Cr Di Pasquale reminded the Community of an upcoming Bakewell Ward Meeting - Wednesday 6<sup>th</sup> September that he is facilitating, to be held at 1 Flintoff Street, Level 4. All are welcome to attend.

### **Vietnam Veterans Day – 18 August 2023**

Mayor Cr Castaldo attended two (2) events to commemorate Vietnam Veterans Day and concluded both events were an important opportunity to acknowledge those that took part in the Vietnam War and were well attended.

The first event was held on August 12, 2023 at Memorial park Greensborough RSL, where attendees included Ben Ramcharan - Mayor of Nillumbik Shire Council, and MPs The Hon. Colin Brooks, State Member for Bundoora, Ms Vicki Ward, State Member for Eltham, The Hon. Anthony Carabines State Member for Ivanhoe, Ms Lauren Kathage, State Member for Yan Yean, and Ms Kate Thwaites, Federal Member for Jagajaga

The second event was held on August 19, 2023 at the Lower Plenty Football Club where attendees included Cr Nearly, Ms Vicki Ward, State Member for Eltham and Ms. Sonja Terpstra MLC State Member North Eastern Metropolitan Region.

### **ASEZ WAO – Tree Planting Day**

On Sunday 20 August 2023 Mayor Cr Castaldo attended a tree planting day along Darebin Creek organised by ASEZ WAO.

ASEZ WAO is a church organisation outreach program with more than 20 volunteers whose mission is to 'save the earth from the beginning to the end as one family'. ASEZ stands for Save The Earth from A to Z and WAO stands for **We are One Family**. Mayor Cr Castaldo passed on his thanks and appreciation to all who attended including the Council Staff that assisted with the event.

### Heidelberg District Bendigo Bank – 23 August 2023

Mayor Cr Castaldo, Deputy Mayor Cr Alida McKern and a representative from Banyule's Social Enterprise Team attended an event held by Heidelberg District Bendigo Bank on Wednesday 23 of August 2023, to help celebrate Heidelberg District Bendigo Bank for acquiring their Social enterprise status. Mayor Cr Castaldo passed on his congratulations to the group on their achievement.

### PUBLIC QUESTION TIME

<b>1</b>	<p><b>Name &amp; Suburb</b> Anonymous</p>
	<p><b>Question:</b> What funds and/or staff time has council expended in the last 12 months on events, activities or promotions associated with the YES case for the upcoming Federal Referendum on the Indigenous Voice to Parliament?</p>
	<p><b>Response:</b></p> <ul style="list-style-type: none"> <li>• At the 5 December 2022 Council Meeting, Council endorsed the Uluru Statement from the Heart in full and agreed to take practical action for a better future and reconciled Australia.</li> <li>• At this time Council also endorsed working in partnership with the Banyule Reconciliation Action Plan Advisory Committee (RAP) and Banyule First Nations community to develop and deliver a community engagement and communications plan on the various components of the Uluru Statement from the Heart.</li> <li>• The statement is comprised of 3 reforms: Voice, Treaty and Truth.</li> <li>• Banyule City Council is committed to providing information about all three sections as well as information about the upcoming referendum and has made a budget allocation of approximately \$25,000 to support these initiatives.</li> <li>• Council is not suggesting how to vote instead circulating information in different formats, for example, via the website, in the Banyule Banner publication and in-person community information sessions.</li> <li>• Banyule City Council has therefore not spent any funds or staff time on events, activities or promotions associated with the YES case.</li> </ul> <p><i>Kath Brackett – Director Community Wellbeing</i></p>



2	<p><b>Name &amp; Suburb</b> Pippa Griffith Ivanhoe East</p> <p><b>Question:</b> With the Bellfield Community Hub under high demand from its' own community plus those redirected from locations such as East Ivanhoe PreSchool, a 4 km drive away, and the Hawdon St Community Hall in Heidelberg (2.5kms, Warringal Orchid Society etc), what population area and number was the Bellfield Community Hub built to service?</p> <p><b>Response:</b> The Bellfield Community Hub services both the local population and broader municipal population and is inclusive and welcoming to all.</p> <p>Spaces within the Hub are used for a number of services and programs. These include:</p> <ul style="list-style-type: none"> <li>• Social support catering for the needs of older adults over three rooms,</li> <li>• Program space for children and families, including Maternal and Child Health Service and kindergarten program spaces (66 licenced places),</li> <li>• A community garden,</li> <li>• A social enterprise Café that supports employment pathways for youth and unemployed job seekers: and</li> <li>• Spaces available for community and organisational hire, including three community meeting rooms, a 30-person program room, and two consulting suites.</li> </ul> <p>Rooms for hire are available for many community groups across Banyule.</p> <p><i>Kath Brackett – Director Community Wellbeing</i></p>
3	<p><b>Name &amp; Suburb</b> Michelle Giovas Heidelberg</p> <p><b>Question:</b> What is Council's protocol for developers contacting Councillors directly and does Council governance maintain a register of these communications?</p> <p><b>Response:</b> There are no protocols in place in relation to how a developer may contact a Councillor. If a Councillor wishes to respond to a query by a person associated with a planning application, including a developer, the permit applicant or an objector, the request should be referred to the relevant manager and/or director or through our governance team's Councillor Request process.</p> <p>In accordance with the Code of Conduct, Councillors are required to attend any meetings with planning permit applicants with a staff member present. In practice it is preferred that requests for meetings are formalised and open to all parties associated with the application, including objectors, as is the case with Council held consultation meetings. Councillor attendance at meetings is noted on the relevant planning file.</p>

	<p>An interim review of protocols will be undertaken with the release of the IBAC recommendations as set out in item 3.4 on tonight's agenda.</p> <p><i>Natasha Swan – City Development</i></p>
4	<p><b>Name &amp; Suburb</b> Jane Crone Eaglemont</p> <p><b>Question:</b> Including Warringal Orchid Society, Senior Citizens, various dance groups etc. could council provide the list of community groups and the number of people within those groups that are currently being dislodged 2.5 Km out of a major activity centre from 78-80 Hawdon Street Heidelberg to the Bellfield Community Hub prior to Council's consideration of selling the Hawdon Street Community Hall?</p> <p><b>Response:</b> As per the Council resolution 29 May 2023 relating to the proposed sale of 78 – 80 Hawdon Street, Heidelberg (known as the Hawdon Street Hall) officers have been working productively with all current user groups to identify suitable alternate locations that meet their needs should the sale proceed.</p> <p>Council has a range of community halls across the Banyule community including the Bellfield Community Hub that could potentially service existing group's needs. For most groups a similar geographic location is not the most critical factor as members come from other suburbs as well as outside of Banyule.</p> <p>Key considerations include parking, storage capabilities, access, amenity of facility, availability of ancillary services and the functionality of space available to accommodate groups activities.</p> <p>Our focus is working with groups individually to understand and facilitate their specific needs and fortunately we are able to offer most groups more than one alternate option to consider.</p> <p>These negotiations are currently in progress with one group confirmed to relocate to Bellfield. We will continue to work in partnership with the groups and are confident that alternate suitable options can be provided for all groups should the sale proceed.</p> <p>The community groups we are currently liaising with, and their associated membership numbers are as follows:</p> <ul style="list-style-type: none"> <li>• Ivanhoe Photographic Group – 30 members</li> <li>• Warringal Orchid Society Inc – 40 members</li> <li>• Warringal Senior Citizens – 15 members</li> <li>• Marinda' s Ballroom – 15 to 30 members</li> <li>• Heidelberg Over 50's Dance Group – 15 to 25 members</li> <li>• Elsnaddai ministry – 20 to 40 members</li> <li>• Life activity Group – 20 members</li> <li>• Studio V School of Dance – 170 students per week across 35 classes approximately.</li> </ul> <p>Council will receive a further report to consider the commencement of the statutory process for sale of the land at 78-80 Hawdon Street, Heidelberg in accordance with section 114 of the <i>Local Government Act 2020</i>. This process will entail giving public</p>

	<p>notice of its intention to sell and undertaking a community engagement process in accordance with Council's Community Engagement Policy.</p> <p><i>Kath Brackett – Director Community Wellbeing</i></p>
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<b>5</b>	<p><b>Name &amp; Suburb</b> Eaglemont Village Traders Association Eaglemont</p>
	<p><b>Question:</b> When production companies express an interest in using Eaglemont Village for future use, will Banyule City Council negotiate a fair market price to be paid to Eaglemont Village Trader's Association and request the location is listed in the credits? The much-needed funds will be well utilised for the ongoing upkeep and restoration of the historical village.</p>
	<p><b>Response:</b> Council's General Local Law No 1 (2015) and Filming Guidelines outline the process and requirements for filming within Banyule. In all cases where filming occurs on Council Land, a Filming Permit is required to be approved by Council's Municipal Laws &amp; Public Assets team.</p> <p>Council's Filming Guidelines state "<i>Where possible, Council assistance in the production should be acknowledged in the end credits, or as mutually agreed. The acknowledgment will generally read "Filmed in Banyule, Victoria" or "Thanks to Banyule City Council".</i></p> <p>Regarding fees charged for filming permits, Council's practices align with the <i>Filming Approval Act 2014</i> and their guidelines <i>The Victorian Film Friendly Guidelines</i>. These specify that <i>"Unless specifically authorised by another Act, fees charged by a public agency for applications for film permits and issuing film permits must not exceed cost recovery."</i></p> <p>There is no provision for Council to compensate traders.</p> <p><i>Natasha Swan – Director City Development</i></p>

<b>6</b>	<p><b>Name &amp; Suburb</b> Alicia Curry Rosanna</p>
	<p><b>Question:</b> In council meeting Monday 27 February 2023, Item 11.2 referred to 'Strategic Sites - Homes Victoria Business Case', so would council advise whether discussions include the sale or transaction of council owned land and in which suburb?</p>
	<p><b>Response:</b> The matters contained in the report Strategic Sites – Homes Victoria Business Case, contained in the Council Meeting 27 February 2023 remain confidential at this time and no further details can be disclosed publicly.</p>

	<i>Natasha Swan – Director City Development</i>
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<b>7</b>	<b>Name &amp; Suburb</b> John Walkley Ivanhoe
	<b>Question:</b> The 3081 Framework (Heidelberg West) identified a number of sites to provide substantial social housing including Bell-Bardia (up to 460 dwellings), Tarakan (up to 130 dwellings) and Buna (up to 481 dwellings) – and as the sites had existing social housing demolished (Bellbardia – 94, Tarakan 60, Buna?), how do these sites factor into the overall requirement for ‘affordable housing’ that is in discussion with Pillar 1 ‘Housing for All’ (Housing Strategy) and the estimated demand within Banyule?
	<b>Response:</b>  The sites identified in the submitter's question all provide for Social Housing constructed by the State Government. We are aware of the planned development and construction underway on these sites. As the dwellings are completed, they will appear in the housing data we have and will show an increase in the numbers of social housing units.  Affordable Housing is more than just social housing and our interim policy seeks to increase the numbers of both social and affordable housing provided across the Municipality.  <i>Natasha Swan – Director City Development</i>

<b>8</b>	<b>Name &amp; Suburb</b> Roger Fyfe Ivanhoe
	<b>Question:</b> How many residential Parking Permit applications from Precinct 61 residents have been received for Parking Permits in Precinct 59 and 60 since the 2023 RPPP came into effect on 1/7/23, broken down by issued/pending and under appeal for refusal?
	<b>Response:</b> Residents can only directly apply for permits in the zone they reside in. They can apply for a Parking Permit Eligibility Review if they are unsatisfied with their entitlements. There have been no requests for a review from a resident in Area 61 under any of the four policy grounds including to park in either Area 59 or Area 60.  <i>Natasha Swan – Director City Development</i>

### Closure of Meeting

The Meeting was closed at 10.09pm.

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

.....  
MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 25 September 2023*