

# Minutes of the Ordinary Meeting of Council



**Held on the 16 September 2019**

**Olympia, Hawdon & Ibbott Rooms**

**Level 4, 1 Flintoff Street, Greensborough**

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## MINUTES

The Meeting opened at 7.02pm.

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

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

### **Present**

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

### **Apologies**

Cr Wayne Phillips

### **Leave of Absence**

### **Confirmation of Minutes**

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 26 August 2019*

Moved: Cr Mark Di Pasquale

Seconded: Cr Peter Castaldo

CARRIED

### **Disclosure of Interests**

Nil

### **Presentation**

Nil

## **1. URGENT BUSINESS**

## **2. PETITIONS**

Nil

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### 3. PEOPLE – COMMUNITY STRENGTHENING AND SUPPORT

#### 3.1 THE DRAFT BANYULE GRAFFITI STRATEGY 2020-2024

##### EXECUTIVE SUMMARY

In 2018 Council's 4 year (2015 – 2018) Graffiti Management Strategy expired. Since September 2018 staff have undertaken the development of the new draft Banyule *Graffiti Strategy 2020-2024*. This included:

- Internal and external consultations with key stakeholders;
- Shaping Banyule Survey open between February and April 2019;
- Benchmarking of Nillumbik, Darebin, Melbourne, Yarra, Boroondara, Hume and Yarra Ranges Local Government Areas.
- A Graffiti Summit held on 25 June 2019.

The Draft *Banyule Graffiti Strategy 2020-2024* is a balanced strategy that leverages best practice and reshapes the graffiti narrative through targeted, evidence-based initiatives.

Further, it outlines Council's commitment to managing graffiti on Council property and working collaboratively with other agencies and residents to support effective management of graffiti on assets in Banyule. It promotes a dynamic and flexible approach to new ways of managing graffiti over time.

The Strategy includes working alongside key stakeholders over the duration of the Strategy to create opportunities to better understand graffiti in the municipality, make the best use of Council and community resources and explore the potential of the 'creative economy'.

##### Resolution (CO2019/169)

That Council:

1. Release the draft Banyule Graffiti Strategy 2020-2024 for the purpose of public consultation from 17 September 2019 to 18 October 2019.
2. Contact all relevant network organisations and invite written submissions via Council's Shaping Banyule website.
4. Advertise the draft Banyule Graffiti Strategy 2020-2024 through the Leader Newspaper, Council's Shaping Banyule website and Banyule's libraries and invite the community to submit written submissions on the plan.
5. Receive a further report following the community consultation period.

Moved: Cr Tom Melican  
Seconded: Cr Craig Langdon

CARRIED

#### 4. PLANET – ENVIRONMENTAL SUSTAINABILITY

##### 4.1 BANYULE CITY COUNCIL WATER STRATEGIC PLAN 2019 -2023

*Michelle Giovas spoke to the item.*

##### **EXECUTIVE SUMMARY**

Following internal and community consultation, the Banyule City Council Water Strategic Plan 2019 - 2023 has been developed as one of five “Planet” Plans under the Council Plan.

The Water Strategic Plan presents a roadmap to achieving an integrated water management approach at Banyule that’s in alignment with the State government’s *Water for Victoria* Plan 2016.

The Plan commits Council to annual water conservation and water quality targets, as well as operational maintenance activities, reported through Council’s Annual Plan and State of the Environment Reports. The Plan is also an adaptation response consistent with other Council Plans (Climate Action, Heatwave Plan, Emergency Management Plan) noting the critical importance of preparing for the impacts of a hotter, drier climate with more intense storms.

The Plan will be implemented via Council policy, planning and operational Actions and the reporting of performance against Targets.

##### **Resolution (CO2019/170)**

That Council adopt the Banyule City Council Water Strategic Plan 2019-2023.

Moved: Cr Tom Melican  
Seconded: Cr Peter Castaldo

CARRIED

## 4.2 BANYULE ENVIRONMENT ADVISORY COMMITTEE - REALIGNMENT

*Michelle Giovas and Kevan Hill spoke to the item.*

### EXECUTIVE SUMMARY

The Banyule Environment Advisory Committee (BEAC) is Council's longest standing advisory committee. Following Council's climate action resolution on 15 July 2019, a review of BEAC's function has been undertaken to ensure the greatest extent of community engagement, discussion and participation is considered in line with Council's climate action objectives.

Consultation regarding the future of BEAC has been undertaken with Councillors, past and present BEAC members and internal Council departments. It is considered that the BEAC Terms of Reference should be updated so that BEAC consists of:

- up to twelve members, including representatives from the community, local environmental groups, industry and tertiary institutions
- bi-monthly committee meetings of a two hour duration
- initial induction program for new committee members
- meetings to be facilitated by a rotating Councillor and community chair
- temporary project or issue specific working groups as required.

These changes to the BEAC Terms of Reference will enable improved efficiency and operation of meetings, and ensure wider representation across the community in relation to Council's climate action plan and objectives.

### Resolution (CO2019/171)

That:

1. Council endorse the realignment of the Banyule Environment Advisory Committee (BEAC) to include:
  - (a) up to twelve members, including representatives from the community, local environmental groups, industry and tertiary institutions.
  - (b) bi-monthly committee meetings of a two hour duration.
  - (c) initial induction program for new committee members.
  - (d) meetings to be facilitated by a Councillor with a community representative as the Deputy Chair
  - (e) project or issue specific working groups that operate temporarily when specific issues or projects arise and report back to the BEAC.
  - (f) have a presence in an annual Environment and Climate Conference to gain broader environmental input.
2. Council adopt the revised BEAC Terms of Reference to reflect the changes, so that BEAC consists of:
  - up to twelve members, including representatives from the community, local environmental groups, industry and tertiary institutions
  - bi-monthly committee meetings of a two hour duration
  - initial induction program for new committee members
  - meetings to be facilitated by a Councillor
  - project or issue specific working groups that operate temporarily when specific issues or projects arise and report back to the BEAC.
3. A report back to Council in 12 months on the effectiveness of the changes.

Moved: Cr Peter Castaldo  
Seconded: Cr Craig Langdon

CARRIED

### **4.3 VICTORIAN AUDITOR GENERAL'S REPORT: RECOVERING AND REPROCESSING RESOURCES FROM WASTE**

*Emma Samuel spoke to the item.*

#### **EXECUTIVE SUMMARY**

On 6 June 2019 the Victorian Auditor-General's Office (VAGO) tabled in State Parliament a report titled Recovering and Reprocessing Resources from Waste.

This audit examined whether responsible agencies are providing strategic direction, support and effective regulation in order to maximise the recovery and reprocessing of resources from Victoria's waste streams.

The audit included the Department of Environment, Land, Water and Planning (DELWP), the Environment Protection Authority (EPA), the Metropolitan Waste and Resource Recovery Group (MWRRG), Sustainability Victoria (SV), Banyule City Council and the City of Monash.

Council officers including the Manager Operations, the Waste Management Coordinator and the Rethink Centre Coordinator participated in the audit process.

VAGO made six recommendations for DELWP, eight for SV, four for EPA, and four for MWRRG.

These include (for Victoria):

- a Waste Plan for the State with clear timelines and measureable goals to determine success commencing at the avoidance level in the waste hierarchy
- a plan to reduce reliance on foreign markets for recyclables processing
- a road map for state-wide rollout of FOGO (food organics garden organics) kerbside collection systems
- meaningful and sustained public education on waste by Sustainability Victoria
- a plan for transfer station infrastructure to support resource recovery
- and, strengthen the planning scheme for MUDs (multi-unit developments) and waste management

VAGO made no findings for the two participating local government Councils and consequently no recommendations.

The VAGO audit was very supportive of local government and the MAV position that significant opportunities to improve resource recovery in Victoria have existed for some time and that the Municipal Landfill Levy which has a balance in excess of \$500M should have been used to assist in reducing waste production and increasing resource recovery.

In their response to the audit report The Department of Environment, Land, Water and Planning (DELWP), the Environment Protection Authority (EPA), and Sustainability Victoria



(SV) have accepted the recommendations and provided a timetable for their completion (with most scheduled to be completed by 2020).

The audit report positively recognises both Banyule's Towards Zero Waste Management Plan 2019-2023 and Banyule's Waste Wise Rethink Waste Education Centre.

**Resolution (CO2019/172)**

That Council:

1. Acknowledge the findings and recommendations of the Victorian- Auditor General's report titled Recovering and Reprocessing Resources from Waste:
  - a. Note that there were no findings or recommendations for Banyule arising from the report, and,
  - b. Note that Banyule's Waste Wise Rethink Waste Education Centre received outstanding praise for its education program.
2. Recognise the 20th anniversary of Banyule's Waste Wise Rethink Waste Education Centre and thank the staff and contracted actors and performers who have educated more than 85,000 people on how to be waste wise citizens.
3. Continue to implement the Towards Zero Waste Management Plan 2019-2023 including the advocacy component of the Plan which aims to improve waste management in Banyule and the Victorian community.

Moved: Cr Peter Castaldo  
Seconded: Cr Tom Melican

CARRIED

## 5. PLACE – SUSTAINABLE AMENITY AND BUILT ENVIRONMENT

### 5.1 AMENDMENT C120 - POSTCODE 3081 - PANEL REPORT

*Rosamund Krivanek, Sohil Ronagh, David Mulholland, Duncan Murray and Benjamin O'Neill spoke to the item.*

#### EXECUTIVE SUMMARY

Banyule Planning Scheme Amendment C120 (the Amendment) seeks to implement the built form and landscape outcomes of the Postcode 3081 Urban Design Framework (UDF).

The UDF was prepared following a grant from the Victorian Planning Authority (VPA) in May 2017 to respond to Plan Melbourne identifying the Postcode 3081 area as a focus for housing renewal and growth to support the expansion of the La Trobe National Employment and Innovation Cluster (NEIC).

The UDF was developed in consultation with the community in 2017 to guide housing change and the future direction and identity of land in Heidelberg West, Bellfield and Heidelberg Heights.

The Amendment was exhibited for a period of 10 weeks, from 23 August to 2 November 2018 and Council received 50 submissions.

Council resolved at the Council Meeting held on 8 April 2019 to make a number of changes to the Amendment in response to submissions and conducted an additional

notice of these post exhibition changes for a 14 day period between 31 May 2019 – 14 June 2019.

Four submissions were received in response to the further notice.

The Amendment was presented at a Panel Hearing held on 9 and 11 July 2019. The independent panel considered the Amendment, the post exhibition changes to the Amendment, and all of the submissions received.

The Panel Report was received by Council on 23 August 2019.

The Panel Report concluded that the Banyule Planning Scheme Amendment C120 post exhibition changes should be adopted, subject to a number of small additional changes.

In line with the Panel's recommendation, it is considered Council should resolve to adopt the Amendment with the post exhibition changes and the additional minor changes recommended.

### **Resolution (CO2019/173)**

That Council:

1. Adopt Amendment C120 to the Banyule Planning Scheme, with post exhibition changes;
2. Make an additional change to the DDO15 to address privately owned public pedestrian links to the Creekside west corridor by amending the dot point under requirements to now read:

*“A publicly accessible pedestrian and cycle link (designed to meet Council standards and negotiated between the landowner and Council) where an identified gap between Liberty Parade and the Darebin Creek Reserve exists, unless a link already exists or is approved within a neighbouring development.”*

3. Amend the Urban Design Framework (UDF) to include the requirement for the document to be reviewed every 10 years;
4. Make the consequential changes to the zones and overlays in response to these Panel recommendations; and
5. Submit the amendment to the Minister for Planning for approval.

Moved: Cr Craig Langdon

Seconded: Cr Peter Castaldo

CARRIED

## 5.2 PROPOSED CHANGES TO BETTER APARTMENT DESIGN STANDARDS

*Jenny Mulholland spoke to the item.*

### EXECUTIVE SUMMARY

The State Government's Department of Environment, Land, Water and Planning (DELWP) has announced changes to the planning provisions for apartment developments, with a focus on the relationship between new apartment developments and the amenity of existing neighborhoods.

These changes build on the *Better Apartments Design Standards* in the Victoria Planning Provisions, which were introduced by the government in 2017 to improve the internal design of new apartments and make them more liveable and sustainable.

The Department is currently seeking feedback on the *Better Apartments in Neighbourhoods Discussion Paper 2019*. The feedback is sought on the need to provide for:

- Green space
- High quality buildings
- Protection from wind impacts
- Attractive and engaging streets
- Better managed construction impacts.

This report outlines a proposed submission to be lodged with DELWP in relation to each of the 5 issues identified, including general support for the potential changes to the *Better Apartments Design Standards* and the *Apartment Design Guidelines Victoria* as well as further improvements in relation to:

- Landscaping in frontages and communal open space;
- The scope of the review having regard to the Urban Design Guidelines for Victoria and the Building Regulations;
- The need for clear policy and guidelines in relation to wind assessments;
- An opportunity for (DELWP) to prepare design guidelines for site services in consultation with service authorities; and
- The limited impact of changes proposed in relation to Construction Management.

**Resolution (CO2019/174)**

That Council make a submission to the Department of Environment, Land, Water and Planning in relation to each of the five issues identified in the Better Apartments Discussion Paper, outlining General support for the potential changes to the *Better Apartments Design Standards* and the *Apartment Design Guidelines Victoria*, and also noting:

1. Further opportunities to improve landscaping and communal space outcomes.
2. That the scope of the review should consider the context of the Urban Design Guidelines for Victoria and overlap with the Building regulations.
3. The need for clear triggers for when a wind assessment is required.
4. An opportunity for Department of Environment, Land, Water and Planning (DWLEP) to prepare guidelines for site services reflecting better streetscape outcomes in consultation with service authorities.
5. That a suggested Construction Management condition will provide limited benefit in relation to managing construction impacts.

Moved: Cr Peter Castaldo

Seconded: Cr Craig Langdon

CARRIED

**5.3 87-131 BELL STREET - IVANHOE - MULTI STOREY MIXED USE DEVELOPMENT (P363/2019)**

***Councillor Garotti left the Chamber at 8:36 pm.***

***Councillor Garotti returned to the Chamber at 8:42 pm.***

*Josh Abdelmalak, Martyn Wild, Aldo Marotta, Mark Jones, Luke Chamberlain and Simon Skinner spoke to the item.*

**EXECUTIVE SUMMARY**

It is proposed to construct a mixed use development comprising four separate buildings that are integrated at basement and ground/lower levels, across the site at 87-131 Bell Street, Ivanhoe. The buildings, as shown in the formally amended application, will have heights of fourteen storeys, nineteen storeys (two central buildings) and fifteen storeys.

The proposal includes 490 residential apartments with basement car parking for 657 cars, four office spaces of a total of approximately 1689 square metres floor area and two retail spaces of a total of approximately 545 square metres floor area.

A total of 33 objections have been received following public notification including an extensive mail out, signage on site, newspaper advertisements and a community information session.

The proposal includes a number of positive attributes, including a suitable mix of residential and commercial uses, a suitable diversity of apartment types, a well-considered landscape design and an environmentally sustainable design. The application as it was originally advertised was considered too ambitious in both the density of dwellings and the height and scale of buildings and in terms of amenity impacts to the surrounding area.

The application was reported to the Council meeting of 5<sup>h</sup> August 2019 and a decision on the application was deferred as the applicant had submitted revised plans in an attempt to address the concerns raised. The submitted plans are an improvement, and whilst they do not fully address all of the issues raised, it is considered that the proposal can be further reduced in scale and further altered to address concerns with regard to off site amenity to enable an approval to be recommended.

It is considered that the proposal should be supported subject to conditions requiring further changes.

### **Resolution (CO2019/175)**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Permit in respect of application No. P363/2019 for Building and works for a mixed use multi-storey development (including two 18 storey buildings, a 15 storey and a 14 storey building; Use of land for offices and shops; and Alteration of access to a road in a Road Zone, Category 1 at 87, 89, 91, 93, 95, 101, 107-113, 119-125, 131 Bell Street IVANHOE subject to the following conditions:

1. Before the development permitted by this permit starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Rothe Lowman Architects dated 30/07/2019 received by the Council in relation to this application but modified to show:
  - a) Deletion of 1 level (Level 16 or 17) from Buildings B and C and a concomitant reduction in the overall height of those buildings.
  - b) Alteration of all levels of the buildings (including basements, ground and upper levels) within proximity of the western boundary to ensure no buildings or works occur within the TPZ of Trees #2 and #3, except that works may encroach for a maximum 10% encroachment of the TPZ;
  - c) Notation that construction of the laneway within the Tree Protection Zones of Trees #11, 12, 13, 14 and 15 will be at grade without excavation, any surface treatment will be porous to allow water to penetrate the surface to the soil profile and no roots are to be damaged or cut within the Structural Root Zone.
  - d) Notation that construction of the laneway within the Tree Protection Zones of Trees #10 and Tree group #1 will be at grade without excavation and any surface
  - e) Deletion of the vehicle access point from the northern right of way.
  - f) The waste storage rooms increased in size to accommodate a dedicated e waste storage bin in addition to other bins and to accommodate re-arrangement of full and empty bins by means of waste tugs or similar prior to bin pick ups
  - g) The 2 square metre hard waste storage areas increased to a minimum of 24 square metres in size.
  - h) An automatic bin exchanger (carousel) under the waste chutes within each waste collection area.
  - i) Bin tug storage space provided within each waste storage area.
  - j) A charity collection bin of at least 1 cubic metre for each building.
  - k) Realignment/deletion of any car parking spaces affected as a result of the requirements of Conditions 1 a, b, c, d, e, f, g, h, I and j.
  - l) As a result of any reduction/deletion of car spaces required by conditions 1 a, b, c, d, e, f, g, h, i and j, a reduction in the number of apartments and leasable floor area of office space to ensure compliance with the car parking rates specified in the parking overlay and Clause 52.06 without need for a permission for a waiver or reduction of this amount.

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- m) The pedestrian crossings at the driveway entrances off the Bell Street slip lane shown as of the same material and level as the footpaths to reflect pedestrian priority over vehicular movements.
  - n) Realignment of building entry doors at the lobby areas such that they open only inwards toward the buildings and do not obstruct footpaths, or alternatively sliding doors
  - o) All sustainable design features indicated in the submitted Sustainable Design Assessment (SDA). Where sustainable design features outlined in the SDA cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.);
  - p) Landscaping as required by Condition 2 of this permit;
  - q) A staging plan showing the order in which stages/sections of the development will be constructed;
  - r) A civil works plan showing design and construction details of all civil works on the site and on public land immediately adjacent the site;
  - s) A services plan showing details (location, heights, colours, screening) of all external services including air conditioners, solar panels, water storage tanks etc
  - t) Engineering plans showing a properly prepared design with computations for the internal drainage and method for of disposal of stormwater from all roofed areas and sealed areas including:

- (i) The use of an On-site Stormwater Detention (OSD) system;
- (ii) The connection to the Council nominated legal point of discharge;

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

- 2. The development permitted by this permit must not be commenced until the amended plans as required under Condition 1, as above, and a revised and updated satisfactory landscaping plan are submitted to and approved by the Responsible Authority. The revised landscape plan must be generally in accordance with the landscape plan prepared by Mala Studio dated 18/04/2019, but amended to reflect the changes required to architectural plans under Condition 1 of this permit. The revised plan must include:
  - (a) Alterations to the area in front of Building A remove the low level landscape strip between the edge of the site boundary and the public footpath within the Bell Street Road reservation to ensure a seamless transition between the public footpath and site and encourage use of the onsite footpath by pedestrians
  - (b) Details of the design, integration, maintenance of plantings to balconies.
  - (c) Details of how any dead plantings to balcony areas will be identified and replaced;
  - (d) Details of watering systems to balcony planting areas;
  - (e) 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;
  - (f) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill.

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- Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment/Sustainable Management Plan and STORM report, with reference to connection details on the engineering plans.
3. Unless with the further written consent of the responsible authority, prior to the commencement of the development, a civil works plan prepared by a suitably qualified person at the expense of the owner of the land, and in consultation with Banyule City Council's Infrastructure Maintenance Department must be submitted to and approved by the Responsible Authority. The plan must include:
    - (a) Details of the civil works to the Bell Street frontage and the rear laneway frontage
    - (b) Costings of works
  4. Unless with the further written consent of the responsible authority, the development permitted by this permit must not be commenced until a public realm and streetscape landscape plan, prepared by and at the expense of the owner, but in consultation with Banyule Council's City futures Department, is submitted to and approved by the responsible authority. The plan must include:
    - (a) Details of the aesthetic treatments to the Bell Street frontage immediately adjacent the site;
    - (b) 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;
    - (c) Location and details of paving, steps, retaining walls, street furniture, lighting and other landscape works.
  5. Unless with the further written consent of the responsible authority, the development permitted by this permit must not be commenced until an amended Waste Management Plan is submitted to and approved by the Responsible Authority. The Waste Management Plan must include:
    - (a) The plan to have a dedicated section/chapter for each of the 4 separate building forms.
    - (b) Details of how organics (food) waste will be managed.
    - (c) Dimensions of waste areas.
    - (d) The number of bins of each type (eg waste, recycling, etc) to be provided and capacity for each.
    - (e) Details on method and frequency of cleaning and maintenance of waste areas.
    - (f) Details of ventilation.
    - (g) Details of unwanted goods storage.
    - (h) Method of waste and recyclables collection including the need to provide for private services.
    - (i) Hours of waste and recyclables collection.
    - (j) Measures to minimise impact upon residential amenity.
    - (k) Method of presentation of bins for waste collection.
    - (l) Strategies for how the generation of waste and recyclables from the development will be minimised.
    - (m) Details as to how prospective purchasers will be advised that all refuse and recycling collection for the property shall be provided internally by a private contractor at the expense of the owner of the land.
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When approved, the plan will be endorsed and will then form part of the permit and must be complied with at all times. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

6. Unless with the further written consent of the responsible authority, the development permitted by this permit must not be commenced until an amended Sustainable Management Plan (SMP) is submitted to and approved by the Responsible Authority. When approved, the SMP will be endorsed to form part of the permit. The amended SMP must be generally in accordance with the SMP prepared by Ark Resources submitted with the application, but modified to show:
  - (a) Details of rooftop solar PV array to contribute to common area electricity supply;
  - (b) Details of an energy efficient hot water system.

All proposed sustainable design features indicated in the submitted ESD Report dated. Where sustainable design features outlined in the report cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures

### **General**

7. The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
8. Unless otherwise agreed in writing by the Responsible Authority, the owner of the land at 87, 89, 91, 93, 95, 101, 107-113, 119-125, 131 Bell Street IVANHOE must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority and such agreement must stipulate:
  - (a) The owner acknowledges that all waste collection from the land will be carried out by a private waste collection provider consistent with an endorsed Waste Management Plan as required under Condition 6 of this permit.
  - (b) The owner acknowledges that occupants of the dwellings will not be granted on street or off street parking by way of a resident or visitor vehicle parking permit.
  - (c) The owner acknowledges that the landscape and civil works within the Bell Street Road reservation immediately adjacent the site frontage and within the rear laneway adjacent the site will be paid for by the owner of the land at 87, 89, 91, 93, 95, 101, 107-113, 119-125, 131 Bell Street IVANHOE
9. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works approved under this planning permit, the owner of the land at 87, 89, 91, 93, 95, 101, 107-113, 119-125, 131 Bell Street IVANHOE must either register on title a carriageway easement on all lots to allow for free and unfettered pedestrian access to any persons across the pedestrian footpath areas in front of the building walls adjacent the Bell Street road reservation, or 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 must stipulate:
  - (a) The owner acknowledges that at all times following completion of the building works, the owner of the land at 87, 89, 91, 93, 95, 101, 107-113, 119-125, 131 Bell Street IVANHOE must allow for free and unfettered pedestrian access to



any persons across the pedestrian footpath areas in front of the building walls adjacent the Bell Street road reservation.

- (b) The owner acknowledges that the owners corporation rules must contain provisions/rules addressing landscaping located within planter boxes or adjacent the edges of terraces/balconies of private dwellings visible from the public realm that will enable the owners corporation to maintain, keep in good order and replace any landscaping in these locations in perpetuity.
10. Unless otherwise agreed in writing by the Responsible Authority, the proposed development must not be occupied until:
    - a) The parking areas shown on the endorsed plans have been constructed to the requirements and satisfaction of the Responsible Authority;
    - b) The garden and landscape areas shown on the endorsed plans have been planted to the requirements and satisfaction of the Responsible Authority;
    - c) Drainage works have been undertaken and completed to the requirements and satisfaction of the Responsible Authority;
    - d) Driveway, pathway, basement and undercroft lighting is installed in accordance with the relevant Australian Standards.
  11. Any air-conditioning or cooling units, condensers and the like located on balconies must be concealed to the satisfaction of the Responsible Authority.
  12. All pipes (except down pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
  13. All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.

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

14. 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.
15. 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.
16. 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 and the vehicles that will use the crossings. The location, design and construction of the vehicle crossing must be approved by the Responsible Authority. Any existing unused crossings must be removed and replaced with concrete kerb, channel and nature strip to the satisfaction of the Council prior to the occupation of the building.

#### **ESD**

17. All works must be undertaken in accordance with the Sustainable Management Plan (SMP) prepared and submitted with the application to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without prior written consent of the Responsible Authority.

18. Prior to the occupation of any dwelling approved under this permit, a statement from the author of the Sustainable Management Plan (SMP) report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The statement must confirm that all measures specified in the SMP have been implemented in accordance with the approved plan to the satisfaction of the Responsible Authority.

### **Tree Protection / Landscaping**

19. Unless otherwise agreed in writing by the responsible authority, prior to the commencement of works on the site, Tree Protection Zones must be established around the following trees (including trees from neighbouring land) to be retained where they occur on the subject site - Trees No # 2 and #3, as numbered on the development plan. The Tree Protection Zones must be fenced with Tree Protection Fencing. Fencing must consist of chain wire mesh panels with shade cloth attached, held in place with concrete feet, unless a suitable alternative fencing has been agreed to in writing by Council's Arborist prior to erection of the fencing. The fencing must comply with Australian Standard AS 4687-2007 *Temporary fencing and hoardings*, and must be designed to ensure canopy and limb protection is provided in accordance with the guidelines detailed in AS4970-2009 *Protection of Trees on Development Sites*. Once installed, the fences must not be removed or relocated without the prior consent of the responsible authority. Fixed signs must be provided on all visible sides of the Tree Protection Fencing, stating "Tree Protection Zone – No entry without permission from the City of Banyule
20. At least 7 days prior to the commencement of works the owner of the land must ensure that Council's Development Planning Unit is contacted on 9457 9808 so that an inspection of the Tree Protection Zones and Fencing can be carried out
21. Once established and after being inspected by Council, the owner of the land must ensure the Tree Protection Zones and Fencing are maintained and the following requirements are met, until the conclusion of works to the satisfaction of the responsible authority.

#### Requirements

##### (a) Temporary movement of fencing

- i The fencing can be realigned and suitable ground protection provided to allow any construction approved within a TPZ only to the satisfaction of the project arborist and only when approved by the responsible authority.

##### (b) Management of works

- i A suitably qualified arborist must supervise or undertake all approved activity within the calculated TPZ of a retained tree. Any root severance within the TPZ must be undertaken to their satisfaction using a clean sharp and sterilised pruning saw. There must be no root pruning within the Structural Root Zone (SRZ) unless consent is received in writing by the responsible authority, and there must be no root pruning within the TPZ for works other than those endorsed by the responsible authority.
- ii All and any excavations within the TPZ of retained trees must be undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees, and must only be undertaken by, or directed and supervised by, a suitably qualified arborist for endorsed works or for works subsequently approved by the responsible authority.

(c) Weed control

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

(d) Irrigation

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

(e) Access to Tree Protection Zone

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

(f) Ground Protection

- (i) Where any vehicle movement associated with development of the subject site is required across a Tree Protection Zone, such vehicle movement must not occur until ground protection in the form of rumble boards strapped over mulch or aggregate is provided where the movement is to occur.

(g) Underground Services

Any underground service installations transecting a Tree Protection Zone of any retained tree must be bored beneath the entire TPZ to a depth of at least 600mm. Any excavation within the calculated TPZ of a retained tree required for the connection of services must be:

- (i) Undertaken after written approval is received from the responsible authority; and,
- (ii) Undertaken by hand or by approved non-destructive techniques suitable in the vicinity of trees under the supervision of the project arborist

**NOTE:**

Requests for consent of the Responsible Authority (City of Banyule) pursuant to this Condition should be directed to Council's Arborist – Development Planning on 9457 9878. Consent for the conduct of works within the Tree Protection Zone, where granted, may be subject to conditions. Such conditions may include a requirement that:

- Any further works that are approved are to be supervised by the project arborist, and a written component may be required also;
- All root excavation be carried out by hand digging or with the use of 'Air-Excavation' techniques;
- Roots required to be cut are to be severed by saw cutting and undertaken by a qualified arborist.

Or other conditions, as relevant, to ensure the ongoing health and stability of the subject tree/s.

### Tree Pruning

Prior to the commencement of works, the project arborist must determine the canopy impact to trees on or adjoining the subject site that are shown to be retained on the endorsed plans, in regards to any pruning required to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements), and advise council's Development Planning Arborists via email to [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au) marked "Attention - Development Planner" and including the planning application number. Following written approval from the Responsible Authority, all tree pruning must then be carried out by a qualified arborist in accordance with Australian Standard *AS4373-2007 Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority.

NOTE: Any requirement for excessive pruning may trigger the need for a Section 72 Amendment application in regard to the design of built-form or the retention of a tree.

22. All tree pruning is to be carried out by a trained and competent arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard *AS4373 Pruning of Amenity Trees*. Tree pruning is to be restricted to the removal of no greater than 15% of the total live canopy of individual trees.
23. 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.
24. Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

### **Construction Management**

25. Before the development starts, a Construction Management Plan must be submitted to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
  - (a) measures to control noise, dust and water runoff;
  - (b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
  - (c) the location of where building materials are to be kept during construction;
  - (d) site security;
  - (e) maintenance of safe movements of vehicles to and from the site during the construction phase;
  - (f) on-site parking of vehicles associated with construction of the development;
  - (g) wash down areas for trucks and vehicles associated with construction activities;
  - (h) cleaning and maintaining surrounding road surfaces;
  - (i) maintenance of access along the full length of the laneway

Once approved, this management plan will be endorsed to be read in conjunction with all other endorsed documents and must be adhered to by the owner(s), permit holder(s) and operator(s) of any use at all times unless otherwise approved by the Responsible Authority.

### **VicRoads**

26. Before the plans are to be endorsed, amended plans must be submitted to and approved by the Roads Corporation and PTV in accordance with the plans received by VicRoads on 6 May 2019 but modified to show:
  - a. The bus stop to be relocated away from the site entrance to prevent any conflict between buses departing the premises and vehicles entering the site.
27. Prior to the commencement of the use hereby approved, all redundant crossovers are to be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation
28. All crossovers and driveways including deceleration lanes approved are to be constructed to the satisfaction of and at no cost to the roads corporation prior to commencement of the use hereby approved.
29. The bus stop is to be relocated to the satisfaction of VicRoads and PTV and at no cost to the Roads Corporation prior to the commencement of use hereby approved.

### **Transport for Victoria**

30. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Bell Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by emailing customerservice@ptv.vic.gov.au

### **Amenity**

31. The uses permitted by this permit must be conducted, and the appearance of the subject land must be maintained to the satisfaction of the Responsible Authority so as not to unreasonably adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods, or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.
32. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land and so that there is no unreasonable light spill into any residential properties. Any security lighting is to be connected to a sensor so that illumination of the site is not continuous.
33. Noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 and/or Environment Protection (Residential Noise) Regulations 1997 and/or Environmental Protection Authority Noise Control Guidelines TG 302/92, as relevant.

### **Time Limits**

34. 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 five years of the date of this permit.

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

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

## **PERMIT NOTES**

### **A. Expiry of Permit**

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

### **B. Building Permit Required**

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

### **C. Building over Easements**

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

### **D. Completion of Development**

Immediately upon completion of the development permitted by this permit, the owner or developer of the subject land must notify Council's Development Planning Section that the development is complete and complies with all requirements of the permit. The development will then be inspected to ensure compliance.

An early inspection process will ensure that the subdivision approvals including the Statement of Compliance can be issued without delay.

### **E. Street Numbering**

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

### **F. Memorandum of Consent for Works**

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

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

Moved: Cr Craig Langdon  
Seconded: Cr Peter Castaldo

CARRIED

**6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE****ADJOURNMENT***(CO2019/176)***Resolution**

That the Meeting be adjourned for 5 minute at 9.07pm.

Moved: Cr Craig Langdon

Seconded: Cr Rick Garotti

CARRIED

**The Council Meeting resumed at 9.13pm****6.1 MOTIONS FOR MUNICIPAL ASSOCIATION VICTORIA (MAV) STATE COUNCIL MEETING****EXECUTIVE SUMMARY**

The Municipal Association of Victoria (MAV) is holding its State Council meeting on 18 October 2019. The meetings are an opportunity for Councils to submit motions of common interest and state-wide significance to local government to be listed on the agenda for consideration.

Any motions presented must be approved by Council and submitted to the MAV by 20 September 2019, early motions can be submitted by 9 September 2019.

This report proposes that Banyule submit a motion to the MAV relating to - Minimum Passing Distance (MPD) between motor vehicles and bicycles.

An early motion has already been submitted in relation to Aerial Service Authority Cables as resolved by Council on 19 November 2018.

**Resolution (CO2019/177)**

That Council adopts the following motion for submission to the Municipal Association of Victoria State Council meeting on 18 October 2019:

**1. A Minimum Passing Distance (MPD) between motor vehicles and bicycles -**

‘That the Municipal Association of Victoria advocates to the State Government to adopt road rules requiring motor vehicles to leave a MPD of one metre in areas with speed limits 60km/h or less, and 1.5 metres in areas with speed limits greater than 60km/h’.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

**7. PERFORMANCE - USE OUR RESOURCES WISELY****7.1 REAR 4/9 PATON STREET, MONTMORENCY - PROPOSED DISCONTINUANCE AND SALE - HEARING OF SUBMISSIONS****EXECUTIVE SUMMARY**

The owners of 4/9 Paton Street, Montmorency (the Applicant) approached Council to purchase part of the right of way adjacent to the rear of their property.

Public notice was given in the "*Diamond Valley Leader*" on 31 July 2019, with submissions on the proposal invited in accordance with section 223 of the *Local Government Act 1989* ("Act"). The submission period closed at 5pm on 29 August 2019 with one submission being received. The submitter has not requested to be heard in support of their written submission.

The purpose of this report is for Council to consider the one written submission received.

**Resolution (CO2019/178)**

That Council:

1. Receive and consider the submission, which was received in response to the public notice given pursuant to sections 207A(a) and 223 of the *Local Government Act 1989* of Council's intention to discontinue and sell the resulting land adjoining 4/9 Paton Street, Montmorency to that owner.
2. Determine whether or not to proceed with the discontinuance and sale of the unused 'road' at its Ordinary Meeting of 7 October 2019.

Moved: Cr Rick Garotti

Seconded: Cr Craig Langdon

CARRIED



## 7.2 14 IVANHOE PARADE, IVANHOE - PROPOSED SALE OF LAND - HEARING OF SUBMISSIONS

*Robyn Roberts, Janine Rizzetti, Gilda May and Roger Fyfe spoke to their submissions.*

### EXECUTIVE SUMMARY

Council owns the land and improvements known as 14 Ivanhoe Parade, Ivanhoe, which currently houses the Hatch Contemporary Arts Space known as "The Hatch". It is also currently used by private and community organisations, including U3A and Heidelberg Greek Senior Citizens, for a range of activities including community hall and office space hire.

Public Notice of Council's intention to sell the subject land was given in the "*Heidelberg Leader*" on 30 July 2019, with written submissions on the proposal invited in accordance with section 223 of the Act.

The statutory submission period of 28 days closed on 28 August 2019.

The purpose of this report is for Council to consider the five written submissions received, including one petition. Two submitters, including the primary petitioner have requested to be heard before a meeting of Council, in support of their written submissions.

All submitters have been advised of Council's intention to consider the written submissions, and to hear from those submitters who have requested to be heard, at its Ordinary Meeting of 16 September 2019.

### Resolution (CO2019/179)

That Council:

1. Receives, hears and notes the submissions in respect of Council's intention to sell the Council owned land and improvements known as 14 Ivanhoe Parade, Ivanhoe pursuant to sections 189 and 223 of the *Local Government Act 1989*.
2. Having considered the three written submissions received, including one petition, and heard from the 4 submitters, will decide whether or not to proceed with the sale of the subject land at its Ordinary Meeting of 7 October 2019.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

### **7.3 BANYULE'S ELECTORAL REPRESENTATION REVIEW - COUNCIL'S DRAFT RESPONSE SUBMISSION**

*David Mulholland and Brian Grace spoke to the item.*

#### **EXECUTIVE SUMMARY**

The *Local Government Act 1989* (the Act) requires the Victorian Electoral Commission (VEC) to conduct Electoral Representation Reviews before every third council election, approximately every 12 years.

The purpose of a review is to provide for fair and equitable representation of the voters of the council and considers:

- Number of Councillors
- Number of wards
- Size of wards and;
- Whether wards are represented as single or multimember wards

The process of conducting an electoral representation review involves two stages of public consultation where Council and members of the public are encouraged to make submissions. Timelines are outlined in this paper.

At its meeting of 8 April 2019, Council confirmed its preference would be to retain the current seven single Councillors ward structure.

Council made a submission advocating for the continuation of the current seven single Councillor wards as part of the preliminary consultation in line with Council's resolution from 15 July 2019.

The VEC released its preliminary report on 21 August with three alternate structure recommendations for Banyule Council, the consultation period in response to the recommendations is now open until 5.00pm 18 September 2019.

The three recommendations are:

- Option A – Nine Councillors elected from three, three-Councillor wards;
- Option B – Nine Councillors elected from three, three-Councillor wards with different boundaries to those in Option A; and
- Option C – Nine Councillors elected from single Councillor wards

A response submission has been prepared on behalf of Council in consultation with the Councillors.

Key themes of the draft response submission are as follows:

- Council maintains the position that Banyule is best represented by seven single Councillor wards, although not recommended by the VEC.
- Of the options presented by the VEC, Council's preference is Option C – nine single Councillor wards, with some minor boundary adjustments
- Single Councillor wards provide for more accountability and greater connection with the community from elected members.
- The boundary adjustments as proposed by Council better encompass existing communities of interest.

A public hearing is being held on 25 September 2019, if Council wish to be heard at the hearing then a Councillor must be appointed as representative to speak to the response submission on the night.

### **Resolution (CO2019/180)**

That

1. Council endorse the Banyule Response Submission to the Victorian Electoral Commission's Electoral Representation Review and;
2. Council appoint Cr Rick Garotti to be the representative to speak to the submission at the public hearing on 25 September 2019.
3. The response submission be forwarded to the Victorian Electoral Commission by the deadline of 5.00pm, 18 September 2019.
4. Council request a meeting with the Minister for Local Government to discuss Banyule's submission.

Moved: Cr Craig Langdon  
Seconded: Cr Tom Melican

CARRIED

## **7.4 CHILD SAFE POLICY - REVIEW**

*Jenny Mulholland spoke to the item.*

### **EXECUTIVE SUMMARY**

The Victorian Child Safe Standards (the Child Safe Standards) became law on 1 January 2016. They represented a shift in how organisations providing services for children were required to manage their child protection obligations by introducing compulsory minimum standards.

The standards are compulsory for all organisations providing services to children, and aim to drive cultural change so that protecting children from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers. This will assist organisations to:

- Prevent child abuse
- Encourage reporting of any abuse that does occur
- Improve responses to any allegations of child abuse.

The Child Safety Standards include three principles and seven standards. The standards cover child sexual abuse, physical abuse, serious emotional and psychological abuse and serious neglect.

In December 2016, Council approved the Child Safe Policy and confirmed Council's commitment to child safety and zero tolerance for child abuse by publicly affirming Council's Statement of Commitment.

In 2017, the Victorian Government introduced legislation that enabled the Reportable Conduct Scheme to be established with oversight by the Commission for Children and Young People. This scheme has applied to Council since 1 January 2019 and now requires Council:

- To have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- Ensure that the Commission for Children and Young People is notified and given updates on the organisation's response to an allegation

In 2018, an internal audit was undertaken to review Council's implementation of the Child Safe Standards. This audit did not identify any high risk areas, however there were a number of recommendations made to strengthen the embedding of the Child Safe Standards within Council. Some of those recommendations related to minor changes to the Child Safe Policy.

As a result of the internal audit and the introduction of the Reportable Conduct Scheme, the Child Safe Policy had been reviewed and minor changes have been incorporated to strengthen its application across the Child Safe Standards. The revised Policy is now presented for Council's adoption.

#### **Resolution (CO2019/181)**

That Council adopt the revised Child Safe Policy.

Moved: Cr Mark Di Pasquale  
Seconded: Cr Alison Champion

CARRIED

## **7.5 CERTIFICATION OF THE FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2019**

### **EXECUTIVE SUMMARY**

Council is required to complete and forward to the Minister for Local Government its Annual Report by 30 September 2019. The Council must not submit the financial statements or the performance statement to its auditor or the Minister unless it has passed a resolution of Council giving its in-principle approval to the financial statements and performance statement.

Council is required to produce audited Annual Financial Statements and a Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014. The Financial Statements and Performance Statement form part of Council's Annual Report 2018/19.

The Financial Statements and Performance Statement are subject to external audit by the Victorian Auditor General or their agent as contracted. The detailed audit of the Financial Statements and Performance Statement for the year ended 30 June 2019 was undertaken by an agent of the Victorian Auditor General during August 2019.

The Audit Committee held its meeting on 13 September 2019 to review the Financial Statements and Performance Statement for the year ended 30 June 2019. Following Audit clearance, the Audit and Risk Advisory Committee recommends to Council that it approves 'in principle' the Financial Statements and Performance Statement pursuant to Section 132 of the Act, prior to formal presentation to the Auditor General.

In accordance with Section 134(2) of the *Local Government Act 1989* a Public Notice will be placed outlining the:

- availability of the Annual Report and Audit Reports for inspection
- meeting of Council on Monday, 28 October 2019 to consider the Annual Report.

It is recommended that the Annual Financial Statements and Performance Statement be approved in principle and the Annual Report be forwarded to the Minister.

**Resolution (CO2019/182)**

That Council:

1. Approve in principle the Financial Statements and the Performance Statement for the year ended 30 June 2019.
2. Authorise Cr Rick Garotti as the Councillor representative on the Audit and Risk Advisory Committee and Cr Alison Champion to sign the Financial Statements and Performance Statement for the year ended 30 June 2019 in their final forms, after any changes recommended or agreed to by the Victorian Auditor-General, have been made.
3. Upon receipt of the Victorian Auditor General's Audit Reports on the Financial Statements and Performance Statement, a report be prepared as soon as is practicable to consider and adopt the Annual Report 2018/19, inclusive of the Report of Operations, Financial Statements and Performance Statement.
4. Forward a copy of the Annual Report 2018/19 to the Minister on or before 30 September 2019.
5. Give Public Notice:
  - a) of the availability of the report of the auditor under Section 9 of the Audit Act 1994
  - b) of the Annual Report to be considered at the Council Meeting on 28 October 2019.

Moved: Cr Craig Langdon

Seconded: Cr Mark Di Pasquale

CARRIED

**7.6 AUDIT & RISK ADVISORY COMMITTEE - CHARTER****EXECUTIVE SUMMARY**

The Audit & Risk Advisory Committee plays a vital role in reviewing Council's governance arrangements and includes oversight responsibilities on financial reporting, compliance requirements, internal control systems and risk and fraud prevention management systems. The Audit & Risk Advisory Committee Charter outlines the role of the Committee and terms of reference.

In keeping with best practice, the Charter was reviewed to incorporate changes that reflected current practices and recommendations from other government oversight bodies and professional associations. The revision focussed mainly content as the previous review conducted in 2016 included a significant structural and content changes.

Input for the review was received from Council's Audit & Risk Advisory Committee members at its meeting held on 14 June 2019. The Committee has endorsed the revised Charter and recommend it for Council adoption.

**Resolution (CO2019/183)**

That Council adopt the revised Banyule City Council Audit and Risk Advisory Committee Charter.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

**7.7 AWARDING OF CONTRACT NO 1003-2019 - ARCHITECTURAL SERVICES FOR THE DESIGN OF BELLFIELD COMMUNITY HUB****EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1003-2019 for "Architectural Services for the Design of Bellfield Community Hub".

Banyule City Council has committed to delivery of the Bellfield Community Hub and community garden on a decommissioned school site that Council purchased in 2012.

Architectural services for design of the Bellfield Community Hub and community garden was released as an open tender on 13 July 2019 on Council's website and advertised in The Age newspaper. During the period that the tender was open 27 submissions were received.

All submitted tenders were analysed by the Tender Evaluation Panel (TEP) comprising of Council officers. After the detailed evaluation process, interviews were held with the shortlisted contractors to obtain further information about their previous experience, their understanding of the project and their proposed methodology.

The TEP has recommended awarding the contract to K20 Architecture in accordance with the tender and conditions as determined by Council.

**Resolution (CO2019/184)**

That Contract No. '1003/2019' for 'Architectural Services for the Design of Bellfield Community Hub' be awarded to K20 for \$660,000.00 (ex. G.S.T).

Moved: Cr Craig Langdon

Seconded: Cr Mark Di Pasquale

CARRIED

**7.8 ASSEMBLY OF COUNCILLORS****EXECUTIVE SUMMARY**

Under the Local Government Act 1989 an Assembly of Councillors is defined as:

*A meeting of an advisory committee of the Council, if at least one Councillor is present or; A planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:*

- a) *the subject of a decision of the Council or;*
- b) *subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.*

In accordance with Section 80A of the Local Government Act 1989 Council is required to report as soon as possible to an Ordinary Meeting of Council a record of any assemblies of Councillors held. Below is the latest listing of notified assemblies of Councillors held at Banyule City Council.

**RECORD OF ASSEMBLIES**

<b>1</b>	<b>Date of Assembly:</b> <b>Type of Meeting:</b> <b>Matters Considered:</b>  <b>Councillors Present:</b> <b>Staff Present:</b>  <b>Others Present:</b>  <b>Conflict of Interest:</b>	14/08/2019 Environment Advisory Committee <ul style="list-style-type: none"> <li>• Climate action project – corporate emissions reduction plan and community consultation for the community emissions plan.</li> <li>• BEAC realignment</li> <li>• State of the Environment report</li> <li>• Waste update</li> </ul> Peter Castaldo James Stirton – Manager Environment & Place Sian Gleeson – Environment Coordinator Ellie Hall – Environmental Sustainability Officer Emmy Hickman Samantha Garvitch Alan Leenaerts Michelle Giovas Nil
<b>2</b>	<b>Date of Assembly:</b> <b>Type of Meeting:</b> <b>Matters Considered:</b>	19 August 2019 Councillor Briefing <ul style="list-style-type: none"> <li>• Capital Works Progress</li> <li>• Development Planning Activity Update</li> <li>• BEAC Realignment</li> <li>• Scouting Update</li> </ul>

	<p><b>Councillors Present:</b></p> <p><b>Staff Present:</b></p> <p><b>Others Present:</b></p> <p><b>Conflict of Interest:</b></p>	<p>Alison Champion Peter Castaldo Mark Di Pasquale Rick Garotti Craig Langdon</p> <p>Simon McMillan – Chief Executive Officer Allison Beckwith – Director Community Programs Marc Giglio – Director Corporate Services Geoff Glynn – Director Assets &amp; City Services Scott Walker – Director City Development Gina Burden – Manager Governance &amp; Communications Vivien Ferlino – Governance Coordinator James Kelly – Manager Delivery &amp; Assets Joel Elbourne – Manager Planning &amp; Building James Stirton – Manager Environment &amp; Place Sian Gleeson – Environment Coordinator Ellie Hall – Environmental Sustainability Officer</p> <p>Nil</p> <p>Nil</p>
3	<p><b>Date of Assembly:</b></p> <p><b>Type of Meeting:</b></p> <p><b>Matters Considered:</b></p> <p><b>Councillors Present:</b></p> <p><b>Staff Present:</b></p> <p><b>Others Present:</b></p> <p><b>Conflict of Interest:</b></p>	<p>19 August 2019</p> <p>Confidential Councillor Briefing</p> <p>Contractual Matters</p> <p>Alison Champion Peter Castaldo Mark Di Pasquale Rick Garotti (<i>until 9pm</i>) Craig Langdon</p> <p>Vivien Ferlino – Governance Coordinator</p> <p>Lydia Wilson, Independent Chairperson – CEO Employment Matters Committee</p> <p>Nil</p>
4	<p><b>Date of Assembly:</b></p> <p><b>Type of Meeting:</b></p> <p><b>Matters Considered:</b></p> <p><b>Councillors Present:</b></p> <p><b>Staff Present:</b></p>	<p>21 August 2019</p> <p>Disability Inclusion Advisory Committee Meeting</p> <ul style="list-style-type: none"> <li>• Acknowledgement of passing of committee member</li> <li>• Banyule’s winners in the Victorian Disability Awards, including member Heidi Everett</li> <li>• Presentation on Community Emissions Reduction Plan</li> <li>• Disability online training module</li> <li>• Planning for the International Disability event</li> <li>• Update on the Marveloo</li> </ul> <p>Craig Langdon</p> <p>Kaylene Hodgkin – Health Services Policy and Project Coordinator Michael Uniacke – Community and Social Planner</p>



	<b>Others Present:</b>	Erin Gook, Auslan interpreter Thomas King
	<b>Conflict of Interest:</b>	Nil
<b>5</b>	<b>Date of Assembly:</b>	26 August 2019
	<b>Type of Meeting:</b>	Age Friendly City Advisory Committee
	<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>• Actions from pervious minutes &amp; correspondence</li> <li>• Social participation: Coffee Connect, Healthy &amp; Active Ageing Expo at Seniors Festival 2019</li> <li>• Communication &amp; information: New Banyule website, activity directory and Age in Focus</li> <li>• Aged Care Reforms</li> <li>• Diversity Statement feedback</li> </ul>
	<b>Councillors Present:</b>	Alison Champion
	<b>Staff Present:</b>	Lauren Booker – Aged Friendly Banyule Social Planner Leanne Horvath – Service Planning, Assessment & Community Support Coordinator Gemma Boucher – Community & Social Planning Officer
	<b>Others Present:</b>	Glenn Swafford Bev Moss Susanne Walker Jennifer Helmich Marita Carmody Gerard Vander Sheila Colls Mary Ann Williams Alison Ryan Karlene Lang Margaret Breare Stewart Morritt Jenny Dale
	<b>Conflict of Interest:</b>	Nil
<b>6</b>	<b>Date of Assembly:</b>	26 August 2019
	<b>Type of Meeting:</b>	Councillor Briefing
	<b>Matters Considered:</b>	<p>Items on the Council Agenda for the Ordinary Meeting of 26 August 2019 (excluding confidential items) as listed below:</p> <p>Amendment to Minutes of 5 August 2019</p> <p>2.1 Petition opposing Proposed Sale of Land - 14 Ivanhoe Parade, Ivanhoe - The Hatch</p> <p>4.1 Power Purchase Agreement (PPA) - Increasing Council's Renewable Energy Commitment</p> <p>5.1 North East Link Update</p> <p>5.2 Planning and Building Activities Report (January - June 2019)</p>
	<b>Councillors Present:</b>	Alison Champion Peter Castaldo Mark Di Pasquale Rick Garotti

<b>Staff Present:</b>	Geoff Glynn – Acting Chief Executive Officer Allison Beckwith – Director Community Programs Marc Giglio – Director Corporate Services Darren Bennett – Acting Director Assets & City Services Scott Walker – Director City Development Gina Burden – Manager Governance & Communications Emily Outlaw – Executive Governance Officer James Kelly – Manager Delivery & Assets Joel Elbourne – Manager Planning & Building James Stirton – Manager Environment & Place Lucy Rasdell – Manager Strategic Property Jonathon Risby – Manager Transport David Moon – Development Planning Coordinator
<b>Others Present:</b>	Nil
<b>Conflict of Interest:</b>	Nil

**Resolution (CO2019/185)**

That the Assembly of Councillors report be received.

Moved: Cr Craig Langdon

Seconded: Cr Mark Di Pasquale

CARRIED

**8. SEALING OF DOCUMENTS**

Nil

**9. NOTICES OF MOTION**

Nil

**10. GENERAL BUSINESS****10.1 THE COMMUNITY GROCER**

Cr Craig Langdon noted that himself, Cr Castaldo, Acting CEO Geoff Glynn, Community Programs Director Allison Beckwith along with a large number of staff attended the launch of the Community Grocer held on Saturday 7 September at the Bell Street Mall where it will be operating every Saturday 9am – 1pm.

The Community Grocer was launched by the cutting of a Watermelon.

Cr Langdon also noted in partnership with Council it is great to see the Community Grocer operate within Banyule.

The Community Grocer is a social enterprise market and is working towards a just food system that ensures fruit and vegetables are physically, socially and economically accessible to everyone in the community. Its markets are in convenient locations in low-income areas and are stocked with culturally appropriate produce at prices cheaper than other local food outlets, including the major supermarkets.

Cr Langdon thanked Russell Shields the Founder of the Community Grocer, the Community Grocer's Operations Manager, Leila Alexander and the Heidelberg West Market Manager, Tess Gardiner, Suzanne Crellin from Olympic Adult Education,

Samantha McGuffie from Banyule Community Health Service, Banyule Council Staff Cheree Hunter, Samatar Yusuf and Cat Brown who have worked hard on creating such a mutually beneficial partnership and The Bell Street Mall Traders Association.

## **10.2 THE NORTH EAST LINK PROJECT ENVIRONMENTAL EFFECTS SUBMISSIONS PROCESS**

Cr Alison Champion noted the North East Link Project Environmental Effects Submissions process completed on Friday 13 September after 7 weeks of hearings at The Veneto Club in Bulleen.

Cr Champion thanked everybody who has participated in this, including all our community, our council officers, our business owners, our legal representatives and our volunteer specialists and advisors for their contributions to this process to keep Banyule part of The Green Wedge.

Cr Champion commented that their energy, time, commitment, passion, skills and knowledge are invaluable and appreciated. She expressed her views that Council had done everything it could to create a strong, effective argument for the Independent Advisory Committee to take to the State Government for an alternative to the advertised reference design.

## **10.3 BANYULE YOUTHFEST 2019**

Cr Alison Champion commented that Banyule's Annual Youthfest was held on Sunday 15 September in Macleod between the downpours.

Cr Champion thanked everyone who participated in making this event successful again: council officers, stall holders, SES, Police, the rides operators, security, Lower Plenty and Greenhills Scout Groups, the bands, and the many teenagers roaming around for the duration.

Cr Champion also noted that this event is one of Banyule's most successful public events supported by many locals and made possible by so many enthusiastic people from so many different backgrounds with so many different skills to create one giant Party in The Park.

## **10.4 BETTY JOY TYDEMAN**

Cr Craig Langdon paid tribute to Betty Joy Tydeman who passed away in July.

Cr Langdon spoke about Betty being originally from Sydney whom moved into Boyd Street opposite Buna Reserve where it didn't take her long to become involved in the local community, including, but not limited to, the Banyule Community Health Centre, (First Chairperson) Neighbourhood Renewal and the Buna Reserve Community Garden.

Cr Langdon also noted Betty met the then Prime Minister Kevin Rudd at the launch of the Garden.

Cr Langdon on behalf of the City of Banyule extended condolences to Betty's family.

**10.5 10TH BANYULE/NILLUMBIK 'KIDS TEACHING KIDS CONFERENCE**

Cr Langdon advised he attended the 10th Banyule/Nillumbik 'Kids Teaching Kids Conference at Edendale Farm in Eltham on 13th September with the theme being War on Waste.

Cr Langdon noted that Nillumbik Mayor Karen Egan spoke on behalf of her residents and that he represented Banyule.

Cr Langdon also noted at least 12 primary schools attended from across the two municipalities with him recognising St Pius X from Heidelberg West in the audience.

Cr Langdon thanked Edendale Farm, the staff from both Councils and the Schools' teachers and their students for taking a lead role and fighting at the front line in this war on waste.

**10.6 AUSTRALIAN INSTITUTE OF COMPANY DIRECTORS COURSE**

Cr Garotti advised he will be undertaking the Australian Institute of Company Directors Course in October.

Cr Garotti thanked the community via the Council for the opportunity to attend the course.

With the appointment of the new Chief Executive Officer (CEO) to occur later in the year, Cr Garotti noted that he expects the course to give him greater skills and learning to be able to support the new CEO in their role.

**ADJOURNMENT OF MEETING****Resolution (CO2019/186)**

That the Meeting be adjourned for Public Question Time.

Moved: Cr Craig Langdon

Seconded: Cr Mark Di Pasquale

CARRIED

*The Meeting adjourned for the Public Question Time at 10.23pm.*

**PUBLIC QUESTION TIME**

<b>1</b>	<p><b>Name &amp; Suburb</b></p> <p>David Mulholland – Heidelberg Heights</p>
	<p><b>Question:</b></p> <p>What is the current status / timeframe of the digital transformation project?</p>
	<p><b>Response:</b></p> <p><i>Marc Giglio – Director Corporate Services</i></p> <p>Banyule City Councils digital transformation plan defines our digital vision, strategies, supporting initiatives and transformation roadmap. These include:</p>

	<ul style="list-style-type: none"> <li>• Increased interaction with community members via online channels</li> <li>• Increased mobile based workforce capabilities</li> <li>• Reduction in manual processing of transactions</li> <li>• Improved data analytics</li> <li>• Improved tools and systems for Council staff to facilitate improved productivity</li> </ul> <p>Fundamental the plan is the link to Banyule's Customer Focus Strategy and the recently introduced Continuous Improvement Program.</p> <p>There are number of digital initiatives that have been introduced including a revamp of Council's website making it ready for more online access to services, mobility roll out to staff and preparation for the replacement of Banyule's CRM and ERP (Enterprise Resource Planning) software. Based on cloud technology, this is expected to be fully implemented within the next 3 years.</p>
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<b>2</b>	<p><b>Name &amp; Suburb</b></p> <p>Kevan Hill - Ivanhoe</p>
	<p><b>Question:</b></p> <p>Does Council have a policy in relation to Councillors attending interstate or rural conferences with family members in regards to cost reimbursement for travel, accommodation and meals, and how is this enforced?</p>
	<p><b>Response:</b></p> <p><i>Marc Giglio – Director Corporate Services</i></p> <p>Council has a Councillor Expenses and Resource Policy which is available on Council's website.</p> <p>The Policy stipulates that where a Councillor is accompanied at a conference all costs for, or incurred by, the spouse, partner or accompanying person, including travel, meals, registration and or participation in conference events, are to be borne by the Councillor, spouse, partner or accompanying person.</p> <p>Councillor expenses are checked by support staff and the Manager Finance &amp; Procurement or their delegate.</p> <p>Councillor expenses are subject to audits and are reported in the Annual Report each year which is reviewed by Council's Audit &amp; Risk Advisory Committee.</p>

*The Public Question Time concluded at 10.26pm.*

**Closure of Meeting**

The Meeting was closed at 10.26pm.

DATED: ..... DAY OF ..... 2019

.....  
MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 7 October 2019.*