

# Agenda



**Monday, 21 September 2020 7.00pm**

## Ordinary Meeting of Council

Virtual meeting with live webcast

## **Acknowledgement of the Traditional Custodians**

*“Our meeting is being held on the Traditional Land of the Wurundjeri Woi-wurrung people and, on behalf of Banyule City Council, I wish to acknowledge them as the Traditional Custodians. I would also like to pay my respects to the Wurundjeri Woi-wurrung Elders, past, present and emerging, and to acknowledge other Aboriginal and Torres Strait Elders joining us today.”*

## **Apologies and Leave of Absence**

## **Confirmation of Minutes**

*Ordinary Meeting of Council held 7 September 2020*

## **Disclosure of Interests**

### **1. Urgent Business**

#### **REPORTS:**

### **2. Petitions**

Nil

### **3. People – Community Strengthening and Support**

- 3.1 Adoption of Social Enterprise Strategy & Action Plan 2020-2025.. 5
- 3.2 Adoption of Inclusive Local Jobs Strategy & Action Plan 2020-2025 ..... 10

### **4. Planet – Environmental Sustainability**

Nil

### **5. Place – Sustainable Amenity and Built Environment**

- 5.1 Council Land at Rear of 7A Curzon Street, Ivanhoe - Deferral of Consideration of Submissions for Proposed Sale of Land..... 17
- 5.2 Waterdale Road, Ivanhoe - Proposal to place permanent barriers ..... 21
- 5.3 73 Devon Street, EAGLEMONT - Proposed Four dwelling development (P117/2020)..... 40
- 5.4 1 Vasey Street, Ivanhoe East - Amendment to liquor licence hours at Ivanhoe Public Golf Course (P110/2020) ..... 61

### **6. Participation – Community Involvement in Community Life**

- 6.1 Banyule Community Engagement Policy 2020 (for adoption)..... 73

### **7. Performance - Use Our Resources Wisely**

- 7.1 Council Meeting Dates 2021 ..... 79
- 7.2 Award of Contract No 1063-2020 "Construction of Lower Plenty Pavilion" ..... 82
- 7.3 Award of Contract No. PA 2206-0221 for "Supply of Fleet Services and Consumables" ..... 87
- 7.4 Certification of the Financial Statements and Performance statement for the year ended 30 June 2020 ..... 92
- 7.5 Amendments to Banyule's COVID-19 Economic Support Package ..... 97
- 7.6 Record of Councillor Meetings ..... 104

**8. Sealing of Documents**

Nil

**9. Notices of Motion**

Nil

**10. General Business**

**Matters Discussed in Camera**

That all confidential matters and reports related to the above items remain confidential unless otherwise specified.

**Closure of Meeting**

***Live Streaming of Council Meeting***

*Please note that the Council Meeting will be livestreamed to ensure compliance with the Government's COVID -19 Stage 4 restrictions.*

*The livestream will be available on Council's Facebook and website*

*[www.banyule.vic.gov.au](http://www.banyule.vic.gov.au)*

*The next Meeting of Council will be the Mayoral Election held on Wednesday 18 November 2020.*



### **3.1 ADOPTION OF SOCIAL ENTERPRISE STRATEGY & ACTION PLAN 2020-2025**

Author: Cheree Hunter - Social Enterprise & Local Jobs Coordinator, Community Programs

---

#### **EXECUTIVE SUMMARY**

At its meeting on 4 June 2018, Council resolved that it was its job to do more to help vulnerable community members on a path to work and committed developing innovative social enterprise projects to help achieve this.

To embed and build on these efforts, work has been completed over the last 16 months to inform a Social Enterprise Strategy & Action Plan (Strategy & Action Plan).

This Strategy is the first-of-its-kind for Banyule – and the local government sector – and has been designed to drive employment participation and inclusive economic growth in Banyule by supporting the growth and sustainability of the social enterprise sector.

Collectively, the Social Enterprise Strategy and Inclusive Local Jobs Strategy, pioneer a new model for place-based community and economic development led by the local government sector, and set a new aspirational target of achieving 1,000 local job outcomes for local people experiencing barriers to employment by 2025.

Consultation on the draft Strategy & Action Plan with community members, social enterprises, Council staff and Councillors was undertaken. Constructive feedback and insight was provided and incorporated into the draft Strategy & Action Plan, before a four-week period of public consultation.

A range of comments were received as part of the recent public exhibition process, with some revisions and strengthening of the Strategy & Action Plan undertaken. A summary of feedback and changes made is included in **Attachment One**.

Approval is sought to support the employment of a 0.8 EFT Support Officer role with the responsibility of supporting the delivery of administration functions, social enterprise projects and local job creation. This role is proposed to be advertised as an 'identified position'; aligned with the Equal Opportunity Act 2010, for an alumni of Banyule's Inclusive Employment program.

The final Strategy & Action Plan (**Attachment Two and Three**) and a summary flyer (**Attachment Four**), is now ready to be considered by Council. Following adoption of the final Strategy & Action Plan, the documents will be printed and widely promoted.

**ADOPTION OF SOCIAL ENTERPRISE STRATEGY & ACTION PLAN 2020-2025  
cont'd**

**RECOMMENDATION**

That Council:

1. Having considered community feedback on the draft Social Enterprise Strategy & Action Plan 2020-2025, adopts the final Social Enterprise Strategy & Action Plan 2020-2025 at Attachments 2 and 3 to this report.
2. Approves a permanent position of 0.8EFT for a Support Officer which is an 'identified' position aligned with the Equal Opportunity Act 2010 and approves the funding allocation of \$30,000 for the 2020/21 financial year to support this resource.
3. Notes that any additional resources required to deliver on key initiatives within the Social Enterprise Strategy & Action Plan will be referred to council's annual budget processes for consideration.
4. Receives an annual report with an update regarding the implementation of the Social Enterprise Strategy & Action Plan.

**COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Stimulate business, employment and investment opportunities".

**BACKGROUND** At its meeting on 4 June 2018, Council resolved that it was its job to do more to help vulnerable community members on a path to work and committed developing innovative social enterprise projects to help achieve this.

By working with the social enterprise sector to respond to local needs, to date, 50 jobs and pathways to employment have been created.

The development of a Social Enterprise Strategy & Action Plan 2020-2025 embeds and builds on the momentum and strategic leadership of Council's existing efforts to innovatively respond to local challenges and market needs whilst supporting vulnerable community members to get and sustain meaningful work.

Several stages have been undertaken over the last 16 months to inform development of the final Strategy & Action Plan. These have included:

- Internal and external consultation, including online surveys and collaborative design thinking workshops with community members, social enterprises, subject matter experts and council staff.
- A literature review of challenges and opportunities of developing the social enterprise sector, best practice in leading social enterprise innovation, and relevant policy and plans.
- A four- week public exhibition period, seeking further community input on the draft Strategy & Action Plan.

**LEGAL CONSIDERATION**

There are no direct legal implications arising from the recommendation contained in this report.

## **ADOPTION OF SOCIAL ENTERPRISE STRATEGY & ACTION PLAN 2020-2025 cont'd**

### **HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes young people, people with a disability, Aboriginal & Torres Strait Islander people, those from culturally and linguistically diverse backgrounds and LGBTIQ+.

### **FUNDING IMPLICATIONS**

Many key initiatives in the final draft Strategy & Action Plan will be implemented using existing resources, as part of existing roles or through recurring budgets. Some key initiatives will be subject to securing additional resources through future budget bids, operational efficiencies or remodelling of existing role, and where suitable, Council will seek appropriate external grants and funding.

To successfully deliver on key initiatives a permanent 0.8 EFT for a Band 3 Support Officer role is sought to commence in November 2020 with the responsibility of supporting the delivery of administration functions, social enterprise projects and local job creation. This role is proposed to be advertised as an 'identified position' for an alumni of Banyule's Inclusive Employment program – therefore providing a permanent job opportunity for a local community member facing barriers to employment. Aligned with the Equal Opportunity Act 2010, identified positions help people who experience disadvantage to access equal opportunity in employment.

### **CONSULTATION**

In total 19 responses were received via the recent public exhibition period on Shaping Banyule.

Submissions commended the Banyule Council in its leadership and subsequently producing the draft Strategy & Action Plan for community consultation. One comment noted:

- *It's fantastic to see Banyule Council taking such a progressive and thoughtful approach to supporting the growth and sustainability of the social enterprise sector. The strategy is comprehensive and has clearly been developed in conjunction with a wide range of stakeholders. [Enterprise] fully endorses the great work that Banyule Council is doing in this area.*

Feedback was highly supportive and positive, highlighting a strong alignment to community needs and opportunities, and noted minor improvement opportunities, including:

- Some comments related to minor formatting or editing improvements to the documents such as captioning of photos.
- Some respondents cited the challenges of COVID-19 and comments suggested the need to better reflect the current economic environment due to the pandemic and consider if all items in the Action Plan are still achievable due to COVID-19 impacts.

## ADOPTION OF SOCIAL ENTERPRISE STRATEGY & ACTION PLAN 2020-2025 cont'd

- One respondent suggested a summary flyer to improve accessibility for community members.

Numerous minor changes have now been made to the draft Strategy & Action Plan, to address the feedback. These include:

- Refined paragraphs of information to improve accessibility. In addition, a summary flyer has been developed to improve accessibility for community members. This consolidates both Strategies & Action Plans.
  - Improved quality of photos with captions.
  - Inclusion of COVID-19 impacts on community and economy.
  - Timeframes for some key initiatives adjusted to ensure they are achievable despite COVID-19.
- 
- A summary of all feedback and changes is provided at **Attachment One**.
  - The final Social Enterprise Strategy is included in **Attachment Two**.
  - The final Social Enterprise Action Plan is included in **Attachment Three**.
  - A summary flyer is included in **Attachment Four**.

## DISCUSSION

This Social Enterprise Strategy & Action Plan is the first-of-its-kind for the local government sector, activating and enhancing the Victorian Governments' Social Enterprise Strategy at the local level.

Adopting a whole-of-Council approach, the Strategy outlines how Council will work in partnership with community to drive employment participation and inclusive economic growth in Banyule by supporting the growth and sustainability of the social enterprise sector.

Collectively, the Social Enterprise Strategy and Inclusive Local Jobs Strategy, pioneer a new model for place-based community and economic development led by the local government sector, and set a new aspirational target of achieving 1,000 local job outcomes for local people experiencing barriers to employment by 2025.

The Strategy consists of four key focus areas, each with key priority actions and a supporting action plan of key initiatives:

- Focus Area 1: Advance place-based social enterprise innovation.
- Focus Area 2: Build business capacity and capability.
- Focus Area 3: Improve market access.
- Focus Area 4: Increase community awareness and engagement.

The Action Plan details key initiatives that support the achievement of each focus area of the Strategy and identifies the lead departments that will coordinate efforts under each initiative. It also outlines the funding arrangement for each initiative.



**ADOPTION OF SOCIAL ENTERPRISE STRATEGY & ACTION PLAN 2020-2025  
cont'd**

Many key initiatives in the final Action Plan will be implemented using existing resources, as part of existing roles or through recurring budgets. Some key initiatives will be subject to securing additional resources through future budget bids, operational efficiencies or remodelling of existing roles, and where suitable, Council will seek appropriate external grants and funding.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**CONCLUSION**The final Social Enterprise Strategy & Action Plan 2020-2025 has been developed following significant review and investigation into driving employment participation and inclusive economic growth in Banyule by supporting the growth and sustainability of the social enterprise sector. The final Strategy & Action Plan is now presented to Council for endorsement.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Public Exhibition Summary	
2	Final Social Enterprise Strategy 2020-2025	
3	Final Social Enterprise Action Plan 2020-2025	
4	Summary Flyer	

## 3.2 **ADOPTION OF INCLUSIVE LOCAL JOBS STRATEGY & ACTION PLAN 2020-2025**

Author: Cheree Hunter - Social Enterprise & Local Jobs Coordinator, Community Programs

---

### **EXECUTIVE SUMMARY**

At its meeting on 4 June 2018, Council resolved that it was its job to do more to help vulnerable community members on a path to work and committed to creating 100 local jobs for local people within a three-year period. This led to the formation of a Social Enterprise & Local Jobs business unit and the creation of 102 local job outcomes by 2020 – realising target one year ahead of schedule.

To embed and build on these efforts, work has been completed over the last 16 months to inform an Inclusive Local Jobs Strategy & Action Plan (Strategy & Action Plan).

This Strategy is the first-of-its-kind for Banyule and has been designed to address inequalities of access to employment and aims to build opportunity and economic prosperity for vulnerable community members in Banyule.

Collectively, the Inclusive Local Jobs Strategy and Social Enterprise Strategy, pioneer a new model for place-based community and economic development led by the local government sector, and set a new aspirational target of achieving 1,000 local job outcomes for local people experiencing barriers to employment by 2025.

Consultation on the draft Strategy & Action Plan with community members, employment service providers, subject matter experts and Council staff was undertaken. Constructive feedback and insight were provided and incorporated into the draft Strategy & Action Plan, before a four-week period of public consultation.

A range of comments were received as part of the recent public exhibition process, with some revisions and strengthening of the draft Strategy & Action Plan undertaken. A summary of feedback and changes made is included in **Attachment One**.

The final Strategy & Action Plan (**Attachment Two and Three**) and a summary flyer (**Attachment Four**), is now ready to be considered by Council. Following adoption of the Strategy & Action Plan, the documents will be printed and widely promoted throughout the Banyule community.

## ADOPTION OF INCLUSIVE LOCAL JOBS STRATEGY & ACTION PLAN 2020-2025 cont'd

### RECOMMENDATION

That Council:

1. Having considered community feedback on the draft Banyule's Inclusive Local Jobs Strategy & Action Plan 2020-2025, adopts the final Banyule's Inclusive Local Jobs Strategy & Action Plan 2020-2025 at Attachments 2 and 3 to this report.
2. Notes that any additional resources required to deliver on key initiatives within the Inclusive Local Jobs Strategy & Action Plan will be referred to council's annual budget processes for consideration.
3. Receive an annual report with an update regarding the implementation of the Inclusive Local Jobs Strategy & Action Plan.

### COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Stimulate business, employment and investment opportunities".

### BACKGROUND

At its meeting on 4 June 2018, Council resolved that it was its job to do more to help vulnerable community members on a path to work and committed to creating 100 local jobs for local people within a three-year period.

This led to the formation of a Social Enterprise & Local Jobs business unit and the creation of 102 local job outcomes by 2020 – realising target one year ahead of schedule.

These opportunities helped many people to change their lives, build confidence and skills, expand their connections, contribute to a stronger economy, and achieve greater economic independence and security for themselves, their families and their community.

The establishment of an Inclusive Local Jobs Strategy & Action Plan 2020-2025 embeds and builds on the momentum and strategic leadership of Council's existing efforts to innovatively address inequalities of access to employment and stimulate local job outcomes for local people experiencing barriers to employment.

Several stages have been undertaken over the last 16 months to inform development of the final Strategy & Action Plan. These have included:

- Internal and external consultation, including collaborative design thinking workshops with community members that have lived experience of facing barriers to employment, local employers, employment service providers, subject matter experts and council staff.
- A literature review of barriers to economic development and participation, and best practice in inclusive employment.
- A policy analysis to review relevant international, national, state and local policy and plans.

## **ADOPTION OF INCLUSIVE LOCAL JOBS STRATEGY & ACTION PLAN 2020-2025 cont'd**

- A four-week public exhibition period, seeking further community input on the draft Strategy & Action Plan.

### **LEGAL CONSIDERATION**

There are no direct legal implications arising from the recommendation contained in this report.

### **HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The content in this report enhances the rights of those in community facing barriers to employment, which in Banyule includes young people, people with a disability, Aboriginal & Torres Strait Islander people, those from culturally and linguistically diverse backgrounds and LGBTIQ+.

### **FUNDING IMPLICATIONS**

Many key initiatives in the final Action Plan will be implemented using existing resources, as part of existing roles or through recurring budgets. Some key initiatives will be subject to securing additional resources through future budget bids, operational efficiencies or remodelling of existing roles, and where suitable, Council will seek appropriate external grants and funding.

### **CONSULTATION**

In total 16 responses were received on the draft Strategy & Action Plan via the recent public exhibition period on Shaping Banyule.

Submissions commended the Banyule Council in its leadership and subsequently producing the draft Strategy & Action Plan for community consultation. One comment noted:

- *“I commend Banyule for their leadership in drafting this Inclusive Local Jobs strategy 2020-2025 and for deeply understanding the critical role local government can and must play in order to sustainably deliver place-based inclusive employment outcomes. Given the significant positive impact employment has on community social and economic outcomes - along with the enhanced well-being, self determination and agency for individuals that flow from meaningful and sustainable employment - makes this strategy a must for any just and inclusive society to truly function for all its constituents”.*

Feedback was highly supportive and positive, highlighting a strong alignment to community needs and opportunities, and noted some improvement opportunities, including:

- Formatting – Some comments related to minor formatting or editing improvements and accessibility.

## ADOPTION OF INCLUSIVE LOCAL JOBS STRATEGY & ACTION PLAN 2020-2025 cont'd

- COVID-19 – Some responses cited the challenges of COVID-19 and the need to better reflect the current economic environment due to the pandemic.
- Targeted Community Groups – Some responses cited a number of other community groups in Banyule facing significant barriers to employment that they think should also be included.
- Target Terminology – Some comments suggested the need for well-defined and consistent terminology when referring to targets; what is considered a 'job'.
- SMART Action Plan – Some comments suggested a need to reconsider if all items in the Action Plan are still achievable due to COVID-19 impacts.

To address the feedback, the following changes have been incorporated throughout the final Strategy:

- Refined paragraphs of information to improve format and accessibility. In addition, a summary flyer has been developed to improve accessibility for community members. This consolidates both Strategies & Action Plans.
- Inclusion of COVID-19 impacts on community and economy; rising unemployment rates.
- Removal of four targeted community groups; instead the Strategy adopts a place-based approach that supports all local people experiencing barriers to employment.
- Aspirational target referred to as '1000 local job outcomes for local people experiencing barriers to employment by 2025'. A job readiness continuum image is added to illustrate the journey of securing and maintaining suitable employment; and acknowledges that all targets outlined in the Strategy demonstrate the diversity of 'local job outcomes' that collectively contribute to Council's new aspirational target. e.g. volunteering, work experience, social enterprise pre-employment program placements, as well as inclusive employment program placements.

In alignment with Strategy changes, the following changes have been incorporated throughout the final Action Plan:

- Key initiatives adopt a place-based approach that support all local people experiencing barriers to employment. This excludes two evidence-based key initiatives that are designed to respond to identified needs of specific community groups. However, an intersectionality approach is applied within targeted community groups.
  - Timeframes for some key initiatives adjusted to ensure achievable despite COVID-19.
- 
- A summary of all feedback and changes is provided at **Attachment One**.
  - The final Inclusive Local Jobs Strategy is included in **Attachment Two**.
  - The final Inclusive Local Jobs Action Plan is included in **Attachment Three**.
  - A summary flyer is included in **Attachment Four**.

The proposed governance of the Strategy & Action plan is to establish a monitoring and evaluation framework that includes ongoing monitoring – with a Council report provided annually to outline progress on the Strategy. Every two-years, an evaluation

## **ADOPTION OF INCLUSIVE LOCAL JOBS STRATEGY & ACTION PLAN 2020-2025 cont'd**

that engages both internal and external stakeholders will be completed to review all key initiatives in the Action Plan. This governance model and evaluation approach will enable Council to respond to new opportunities as they present themselves and embed continuous improvement.

### **DISCUSSION**

This Strategy is the first-of-its-kind for Banyule and has been designed to address inequalities of access to employment and aims to build opportunity and economic prosperity for local people experiencing barriers to employment.

The Strategy and Action Plan adopts a whole-of-Council approach and outlines how Council will work in partnership with community to build on existing momentum and further harness the unique role of Council as a major employer and procurer in Banyule, and facilitator of an inclusive economy.

Collectively, the Inclusive Local Jobs Strategy and Social Enterprise Strategy, pioneer a new model for place-based community and economic development led by the local government sector, and set a new aspirational target of achieving 1,000 local job outcomes for local people experiencing barriers to employment by 2025. The Strategy consists of four key focus areas, each with key priority actions and a supporting action plan of key initiatives:

- Focus Area 1: Stimulate inclusive job opportunities.
- Focus Area 2: Strengthen pathways to employment.
- Focus Area 3: Grow business ownership and entrepreneurship.
- Focus Area 4: Advance inclusive employment practices across local government and private sector.

The Action Plan details key initiatives that support the achievement of each focus area of the Strategy and identifies the lead departments that will coordinate efforts under each initiative. It also outlines the funding arrangement for each initiative.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

### **CONCLUSION**

The final Inclusive Local Jobs Strategy & Action Plan 2020-2025 has been developed following significant review and investigation into building place-based opportunity and economic prosperity for vulnerable community members. The final Strategy & Action Plan is now presented to Council for endorsement.

**ADOPTION OF INCLUSIVE LOCAL JOBS STRATEGY & ACTION PLAN 2020-2025 cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Public Exhibition Summary	
2	Final Inclusive Local Jobs Strategy 2020-2025	
3	Final Inclusive Local Jobs Action Plan 2020-2025	
4	Summary Flyer	





## **5.1 COUNCIL LAND AT REAR OF 7A CURZON STREET, IVANHOE - DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR PROPOSED SALE OF LAND**

Author: Gary Mills - Senior Property Officer, City Development

### **Previous Items**

Council on 18 Nov 2019 7.00pm (Item 5.1 - 7a Curzon Street, Ivanhoe (Land at Rear) - Planning Scheme Amendment C124 Part 2)

---

### **EXECUTIVE SUMMARY**

Council owns land known as 1 Liberty Parade, Ivanhoe contained on Certificate of Title volume 11466 folio 105. The proposal involves the sale of a 38m<sup>2</sup> parcel of this land described as Lot 1 on plan of subdivision PS813368T to the owners of 7A Curzon Street, Ivanhoe.

The statutory procedures under sections 189 and 223 of the *Local Government Act 1989* ('the Act') were commenced, giving public notice of the proposed land sale in the Herald Sun newspaper on 7 August 2020. At the close of the submission period on 4 September 2020, four written submissions were received. Two submitters have requested to be heard in support of their submissions.

Normally, any submissions received to the proposal would be considered at this Council meeting. However, given the circumstance of the outgoing Council being unable to complete both the consideration of submissions and the decision stages of the section 223 process of the Act before the election period, those stages should be delayed until the incoming Council is elected.

The first Ordinary meeting of the new Council will be held on 23 November 2020. It is proposed that a report on section 223 submissions received be presented to this meeting for consideration and a further report be presented to the 14 December 2020 Council meeting for a decision. As there will be an extended period before Council is able to consider submissions, it is proposed to allow for the period of receiving submissions to be extended until 5pm 2 October 2020.

### **RECOMMENDATION**

That

1. Council defer consideration of submissions received pursuant to section 223 of the *Local Government Act 1989* concerning the proposed sale of land at the rear of 7A Curzon Street, Ivanhoe to the Ordinary Meeting of Council on 23 November 2020 at 7pm pursuant to section 223 (1)(ii) and (iii) of the Act.
2. Council accept the receipt of further submissions up until 5pm on Friday 2 October 2020.

**COUNCIL LAND AT REAR OF 7A CURZON STREET, IVANHOE - DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR PROPOSED SALE OF LAND cont'd**

3. A further report be presented to Council at its meeting on 14 December 2020 to decide on the proposal.
4. Submitters be advised in writing that their submissions will be received at the 23 November 2020 Council meeting.

**COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Preserve and improve Banyule as a great place to live, work and play".

**BACKGROUND**

Council owns land known as 1 Liberty Parade, Ivanhoe contained on Certificate of Title volume 11466 folio 105. The proposal involves the sale of Lot 1 on plan of subdivision PS813368T to the owners of 7A Curzon Street, Ivanhoe.

The 38m<sup>2</sup> land parcel is situated at the top of the Darebin Creek Reserve escarpment to the rear of 7A Curzon Street, Ivanhoe and forms an isolated land parcel unable to be accessed for public use.

Statutory procedures under sections 189 and 223 of the *Local Government Act 1989* ('the Act') were commenced, giving public notice of the proposed land sale in the Herald Sun newspaper on 7 August 2020.

Council's public notice stated that submissions received would be considered at the Ordinary Meeting of Council on 21 September 2020 and that Council would consider whether or not to sell the subject land at a subsequent meeting, being the 23 November 2020 Council meeting. If no submissions were received, Council may choose to make its decision at its 21 September 2020 meeting.

At the close of the submission period on 4 September 2020, four written submissions were received. Two submitters have requested to be heard in support of their submissions.

**LEGAL CONSIDERATION**

It is noted that the 'election period' commences 23 September 2020 and ends at midnight on 24 October 2020. Therefore, the two stages of the section 223 process will not be able to be completed by the outgoing Council.

Council has obtained legal advice advising the rescheduling of the section 223 process for the following reason:

*"Since the election period intervenes between the 21 September 2020 Council meeting and the subsequent Council meeting on 23 November 2020, the outgoing Council will not be able to complete both the consideration of submissions and the decision stages of the process under the section 223 process of the Act before the election period. Consequently, those stages of the section 223 process should not be commenced by the outgoing Council, but rather completed by the incoming Council.*

**COUNCIL LAND AT REAR OF 7A CURZON STREET, IVANHOE - DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR PROPOSED SALE OF LAND cont'd**

*The reason for this is subsection 223(1)(d)(i) of the Act which provides:*

*“the Council or special committee responsible for making the decision must consider all the submissions made under this section...”*

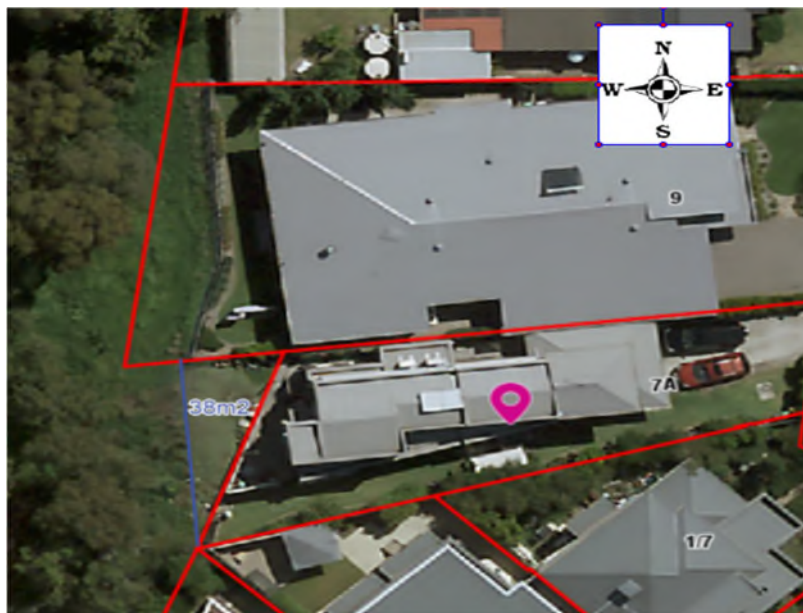
*If the oral submissions are considered at the Council meeting on 21 September 2020, but a final decision not made by it, there is a real possibility that the incoming Council will not have heard nor considered all the oral submissions before it makes the decision.”*

**HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues.

**Locality Plan**



**Figure 1: The subject land at rear 7A Curzon Street, Ivanhoe**

**Section 223 process**

Council has received four written submissions to the proposal. Two submitters have requested to be heard in support of their written submissions. Due to COVID-19 restrictions in force, these submissions will instead, be read at the Council meeting. The proposed rescheduling of the section 223 process was foreshadowed with the submitters by letter on 7 September 2020.

Also, due to the proposed rescheduling of the submission process and COVID-19 restrictions, it is also proposed that Council accept the receiving of submissions until 5pm on Friday 2 October 2020. All relevant information will be published on Council's website.

**COUNCIL LAND AT REAR OF 7A CURZON STREET, IVANHOE - DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR PROPOSED SALE OF LAND cont'd**

**DISCUSSION**

Given the circumstance of the outgoing Council being unable to complete both the consideration of submissions and the decision stages of the section 223 process before the 'election period' and Council's legal advice, it is considered necessary for both those stages of the section 223 process to be stayed until after the incoming Council is elected.

**TIMELINES**

A section 223 submission report will be presented to the 23 November 2020 Council meeting where submissions will be received and heard. A further report will be presented to the 14 December 2020 Council meeting where Council will decide whether or not to sell the subject land.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**CONCLUSION**

The staying of the section 223 process until the incoming Council shall ensure the Council fully considers all submissions received before making its decision whether or not to sell the subject land.

**ATTACHMENTS**

Nil

## **5.2 WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS**

Author: Shehan Mapa - Traffic & Transport Engineer, City Development

Ward: Griffin

### **Previous Items**

Council on 15 June 2020 (Item 5.4 - Waterdale Road, Ivanhoe - Placement of Permanent Barriers)

Council on 7 September 2020 (Item 5.3 - Consideration of Submissions - Waterdale Road, Ivanhoe - Proposal to Place Permanent Barriers)

---

### **EXECUTIVE SUMMARY**

Council at its meeting on 7 September 2020, considered a report detailing background and submissions on the proposed placement of permanent barriers on Waterdale Road, Ivanhoe, south of Upper Heidelberg Road.

The Ivanhoe Shopping Centre – Car Parking Precinct Management Plan & Pedestrian and Traffic Movement Plan was adopted by Council in September 2000 and supported the proposed closure of Waterdale Road, south of Upper Heidelberg Road for its expected contribution to on-street parking and its assistance to intersection traffic and pedestrian operating conditions.

The development of this location as a pedestrianised area was also included in the Open Space Strategy in 2007 and Ivanhoe Structure Plan (ISP). The ISP was adopted by Council on 1 December 2014, which formally recommended a pedestrianised area at this intersection and the installation of barriers to close the road.

Council has also been successful in obtaining a grant under the Local Parks Program valued at \$1.3 million to create ‘pocket parks’ for this location and on the south west corner of Norman Street and Waterdale Road and create a shared pedestrian and vehicle zone between the two locations along Waterdale Road.

Further planning and consultation with the community will be undertaken to determine how the proposed public space, south of Upper Heidelberg Road, is designed, developed and implemented as part of the larger pocket park and urban design project. Some benchmark examples of other pocket park and shared zone projects have been attached to this report.

There are two primary reasons that an outcome and decision on the closure of the road is preferred to occur now, being the approach to reinstatement of the road following the temporary closure and to give certainty for the concept designs of the pocket park.

If after the consultation and final design approval of the pocket park and urban design project, the design does not require this section of road to be closed consideration could be given to reopening it to traffic.

All relevant statutory procedures have now been completed, including public advertising and consultation.

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

**RECOMMENDATION**

That:

1. In respect of Council's published intention to place permanent barriers on Waterdale Road, Ivanhoe, south of Upper Heidelberg Road; and
2. Having received and considered submissions received under section 223 of the Local Government Act 1989 ("Act") and having complied with the requirements of sections 207, Schedule 11 and 223 of the Act including considering a report on behalf of the Head, Transport for Victoria on the proposed closure, Council hereby resolves to place permanent barriers on Waterdale Road, south of Upper Heidelberg Road subject to finalisation of concept design for a pocket park.
3. Concept designs for a pocket park within the closed section of Waterdale Road, south of Upper Heidelberg Road, be prepared in consultation with the community and a report be presented on the final design at a future Council meeting. If the final pocket park design does not require the closure of the road, then the decision to place permanent barriers will not proceed.
4. A road safety audit is undertaken of the intersection of Seddon Street and Norman Street, Ivanhoe to identify any traffic safety improvements that could be made.

**COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Provide great public and open spaces".

**BACKGROUND**

Council at its meeting on 15 June 2020, considered a report regarding the placement of permanent barriers on Waterdale Road, at Upper Heidelberg Road and resolved to commence the statutory procedures pursuant to sections 207 and 223 of the Local Government Act 1989 ("Act").

Submission that were received were considered at the meeting on 7 September 2020 with 10 people being heard regarding their submission either by live video link, pre-recorded video or audio, or a having a statement read on their behalf.

**Ivanhoe Shopping Centre – Car Parking Precinct Management Plan & Pedestrian and Traffic Movement Plan**

The Ivanhoe Shopping Centre – Car Parking Precinct Management Plan & Pedestrian and Traffic Movement Plan dated May 2000 was adopted by Council at its meeting on 11 September 2000.

The Plan was commissioned by Banyule and the Ivanhoe Traders' Association in November 1999 with one of the objectives of the study being to review the existing

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

pedestrian and traffic movements within the centre and to formulate a Pedestrian and Traffic Movement Plan.

The plan supported the proposed closure of Waterdale Road, south of Upper Heidelberg Road for its expected contribution to on-street parking and its assistance to intersection traffic and pedestrian operating conditions.

**Ivanhoe Structure Plan**

A revised version of the Ivanhoe Structure Plan (ISP) was adopted by Council on 1 December 2014 as part of Banyule Planning Scheme Amendment C93.

One of the actions within the ISP was to explore opportunities for pedestrianised areas and the creation of up to seven new public squares. Waterdale Road, south of Upper Heidelberg Road is one of those seven locations and was identified as an appropriate location early in the draft stages of the ISP.

The ISP shows the installation of bollards to close the road on page 37 as part of the Transport and Infrastructure plan and on page 65 as part of the Sense of Place and Movement plan for Precinct 5A and the create of a pedestrianised area – proposed public square is shown on pages 37, 63 and 65.

The history of this particular site being identified is as follows:

**2007**

The need for additional public gathering spaces and pedestrian friendly environments within Ivanhoe was identified during the preparation of the Public Open Space Plan, notably areas along Upper Heidelberg Road ('Preliminary Background Report – Open Space Analysis' for the Ivanhoe Structure Plan).

During the development of the ISP, an issue was raised regarding the lack of a town square or neighbourhood park in the Ivanhoe Activity Centre. Given this, the following opportunities were identified in 2007 ('Issues and Opportunities Log'):

- *Activity Centre planning has potential to establish a 'hierarchy of movement modes'. If priority is put towards pedestrian needs then reduced traffic speeds in a Pedestrian Priority Precinct, as well as a suite of streetscape improvements, has potential to make a more liveable public realm through the activity centre.*
- *Consider feasibility of closing a road intersection to create a neighbourhood park that has frontage on to Upper Heidelberg Road. This will require consideration of traffic management impacts.*

**2011**

The 'Preliminary Draft Structure Plan Background Paper' provided a Framework Plan Detail in 2011, which identified Waterdale Road as a location for a public square and nominated Waterdale Road, south of Upper Heidelberg Road as a location to investigate a potential road closure. This is then carried forward to the Natural Environment Plan (page 21) and Pedestrian and Cycling Plan (page 25) of the 'Post Consultation Draft ISP' as a potential location for a new plaza space. At this point, only 3 of the eventual 7 locations have been identified.

## **WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

The '2011 Draft ISP' was sent out for broader public consultation later in 2011 with the inclusion of a potential road closure and public square on Waterdale Road, south of Upper Heidelberg Road.

### **2012**

A revised 'August 2012 Draft ISP' was presented to Council with several changes made in response to the previous public consultation, including a key action being: "*Better access to open spaces, strengthened heritage controls and the potential for new public squares*". An additional 3 public square locations were included in this Draft ISP, raising the total to 6. Accordingly, further consultation was then conducted on the 'August 2012 Draft ISP'.

General feedback on this Draft ISP indicated support for public squares, however concerns were raised that no public squares were proposed for the Darebin Station Precinct. As such, the revised 'December 2012 Draft ISP' included an additional public square for the Darebin Station Precinct.

### **2014**

The final Ivanhoe Structure Plan was adopted in December 2014 following public exhibition and panel review of Amendment C93, which translated the ISP in to the Banyule Planning Scheme. No further changes were proposed regarding the new public squares.

### **Public Open Space Plan (2016-2031)**

Page 80 of the Public Open Space Plan (2016-2031) indicates that much of the Ivanhoe Shopping Centre and the Ivanhoe Railway Station Precinct is likely to become multi-level residential and commercial land use, with potentially little or bare minimum community open space provided in new developments. A key recommendation on page 81 is to investigate strategies for improving access to public open space for residents in areas that aren't within reasonable walking distance of a park. The map on page 73 identifies several areas close to the intersection of Waterdale Road and Upper Heidelberg Road that are not within acceptable walking distance to Council open space.

### **Local Parks Program**

The Local Parks Program vision is to create new parks and to revitalise existing local parks to provide much-needed recreation space and to provide greener suburbs in built up urban areas of metropolitan Melbourne. This program includes a \$35 million investment towards creating 25 new pocket parks. This investment is part of the Victorian Government's broader commitment to creating a ring of new parklands in growing suburbs and is guided by the new *Metropolitan Open Space Strategy* principles under *Plan Melbourne*, the Victorian Government's long-term vision for metropolitan Melbourne to 2050.



**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

In order to be considered as part of the application process, proposed sites must meet several guidelines. The proposed location meets these guidelines based on the following:

- The site is located within the electorate district of Ivanhoe.
- The land is suitable for repurposing and is less than 2,000m<sup>2</sup>.
- The site is located within a built-up area which is forecast to grow further.
- The site will provide opportunities for recreation and socialising with adequate space for landscaping within an area that has a shortage of public open space.
- The land is ideally owned by Council.
- There will be no impacts to wildlife or existing vegetation.
- The site has been identified in the *Ivanhoe Structure Plan* as a location for a potential pedestrianised area and landscaped public square and is consistent with the *Public Open Space Plan*.
- The site is highly visible and can be designed to meet Crime Prevention Through Environmental Design (CPTED) principles.
- The site is well positioned with regards to public transport and trails/paths.
- The site has access to services and amenities including a public toilet, lighting and water.

Given the guidelines require the location to be identified in a strategic document, an assessment was undertaken of the seven locations identified in the Ivanhoe Structure Plan, being:

1. The landscaped area outside the Ivanhoe Library on Upper Heidelberg Road.
2. The area near the corner of Marshall Street and Lower Heidelberg Road on the south eastern corner.
3. On or near the triangle shaped car park site near Waterdale Road and Upper Heidelberg Road.
4. The landscaped area in Norman Street opposite the railway station.
5. The current car park at the northern Livingstone Street edge of the Ivanhoe Plaza site.
6. The area north of the Mary Immaculate Catholic Church on Upper Heidelberg Road near Waverley Avenue.
7. Part of the area between Darebin Station and Heidelberg Road .

Location 1 already has works planned and currently being implemented as part of the Ivanhoe Library and Cultural Hub works. This will create a significant landscaped public space in a prominent location at the northern end of the Activity Centre.

Location 2 and Location 6 are located on private property and are beyond the capacity and timing of the funding to purchase.

Location 4 (Kitchener Reserve) did not increase the amount of available public open space to the centre. Some minor upgrade works are also planned to be undertaken post Covid 19 restrictions being eased.

Location 5 involved the removal of car parking with the Ivanhoe Parking Plan indicating that this carpark has high utilisation given its proximity to the shops. Also,

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

the area of this location including the existing park is greater than the 2000m<sup>2</sup> which the guidelines required locations to be less than.

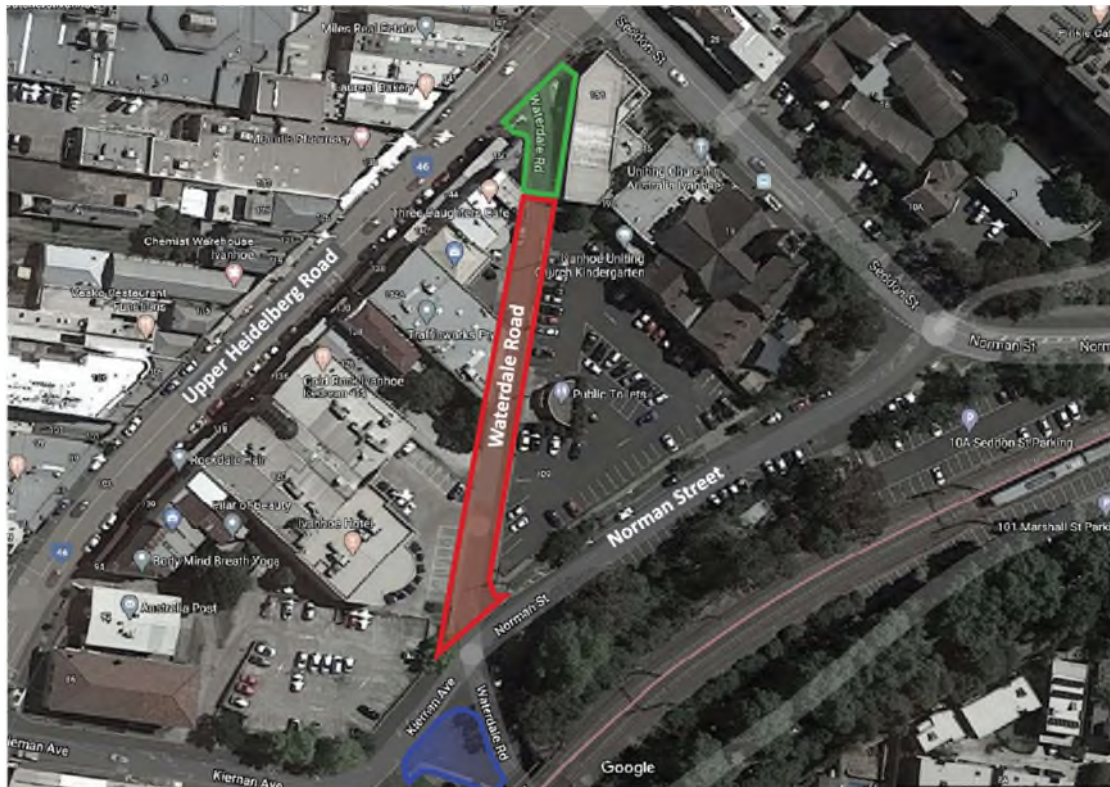
Location 7 is located on State Government land and negotiating the use of this land was expended to be beyond the timing of the funding. It is also a location well away from the primary Activity Centre.

The Waterdale Road location was considered as being the most appropriate site which meets the criteria and would deliver a prominent public space available to a wide group of potential users. As such an application was submitted.

Council was successful in obtaining a grant valued at \$1.3 million under this program with the funding being announced by the Minister for Energy, Environment and Climate Change on 24 May 2020

The aim of the project is to create a green urban space and to provide an area for passive recreation and socialising in a built-up urban area in Ivanhoe. The concept is to:

- Develop a new pocket park at the intersection of Waterdale Road and Upper Heidelberg Road (green hatching).
- Develop a new pocket park at the intersection of Waterdale Road and Norman Street (blue hatching).
- Convert a section of Waterdale Road between Upper Heidelberg Road and Norman Street into a shared pedestrian – vehicular zone (red hatching).



**Figure 1. Pocket Park Concept Areas**

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

It is anticipated that the two pocket parks will both provide opportunities for recreation and socialising and could include but not be limited to:

- Canopy trees and areas of soft landscaping.
- Furniture including seats, benches, bike racks and bins.
- Feature paving.
- Lighting.
- Public art.

The shared pedestrian - vehicular zone could comprise of but not be limited to:

- One-way traffic movements north along Waterdale Road, with vehicles egressing the site to Norman Street through the existing accessway of the carpark. (Other options could include making Waterdale Road a single lane road with passing areas, leaving it as a two way road, or using the right-of-way adjacent to the church)
- A vehicular speed restriction of 10 km/h (subject to approval).
- Signage to clearly identify pedestrian priority.
- Road pavement to be an alternative material to traditional/surrounding road surfaces to act as a visual clue that the zone is shared with pedestrians.
- Rumble strips/threshold treatments to slow traffic.
- Gun-barrel alignment of Waterdale Road to be broken up with landscaping so that the trafficable surface is serpentine/meandering to physically prevent high speed.
- A rest node in proximity to the existing public toilets located mid-block.
- Canopy trees and areas of soft landscaping to improve visual amenity.

The design will need to comply with current standards and benchmarks. Some benchmark examples of other pocket park and shared zone projects have been attached to this report (Attachment 1). The first four photos have been taken from the State Government guidelines and show elements of some other local pocket park projects. The other ten photos show some examples of shared zones and pocket parks in various local and international locations.

Background investigations are currently being undertaken to inform the pocket park project inclusive of a contamination investigation, feature and levels survey, service infrastructure review and site analysis.

Community consultation with respect to the pocket park is anticipated to commence in late November/early December 2020, subject to Covid-19 restrictions being eased. At this time, the community and key stakeholders will be invited to provide input and feedback to ensure that the park design is functional, in keeping with the local character and commensurate with community expectations and needs.

Consultation is likely to include:

- Mailout;
- Signage;
- Community/stakeholder meetings/workshops;
- Shaping Banyule web page;
- Social media posts.

## **WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

Prior to detailed design, the outcomes of the community consultation will be detailed in a Council report seeking endorsement of the proposed pocket park concept.

### **Timing for closure**

There are two primary reasons that an outcome and decision on the closure of the road is preferred to occur now.

The development at 154 Upper Heidelberg Road is nearing completion. During the works some changes have been made in the road reserve to install services and a permit was granted to use the road reserve for a temporary work compound. These installations and works are required to be reinstated with repairs to any damage caused to the road. If the road is to be closed different requirements can be placed on the developer to reinstate in a way that supports the pocket park. Further, the altered traffic movements that drivers have become familiar with can remain.

However, if the reinstatement works are undertaken to return Waterdale Road to a through road once the development at 154 Upper Heidelberg Road is completed in the near future then those reinstatement works will need to be removed once again at the time that the road is actually closed. This is not a cost effective use of community resources. Additionally, drivers would be given access to Waterdale Road for a short time only before it is once again closed which will be confusing, particularly for drivers who only occasionally use the nearby streets.

The second primary reason relates to the planning of the pocket park project. By confirming that the closure is proceeding now will give certainty for the concept designs of the pocket park. The project will be different if the road is not closed and discussion will need to take place with the State Government regarding a revised scope of the project.

If after the consultation and final design approval of the pocket park and urban design project, the design didn't require this section of road to be closed consideration could be given to reopening it to traffic.

### **Placement of permanent barriers**

Council considered a report at its meeting on 15 June 2020 regarding the placement of permanent barriers on Waterdale Road, south of Upper Heidelberg Road. As part of the meeting Council resolved to commence the statutory procedures involved pursuant to sections 207 and 223 of the *Local Government Act 1989* ("Act"). Submissions received as part of the 223 process were considered at the Council meeting on the 7 September and are discussed later in this report.

### **LEGAL CONSIDERATION**

Council's powers over traffic is defined under The *Local Government Act 1989* ("Act"), Section 207 and Schedule 11, which allows Council to permanently place obstructions or barriers on a road under its management (Waterdale Road, south of Upper Heidelberg Road is under Council's control and management) after considering a report from the Head, Transport for Victoria on the proposed closure.

Additionally, Council must seek and consider public submissions on the proposal under Section 223 of the Act.

## WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd

Under Section 223, Council must publish a public notice:

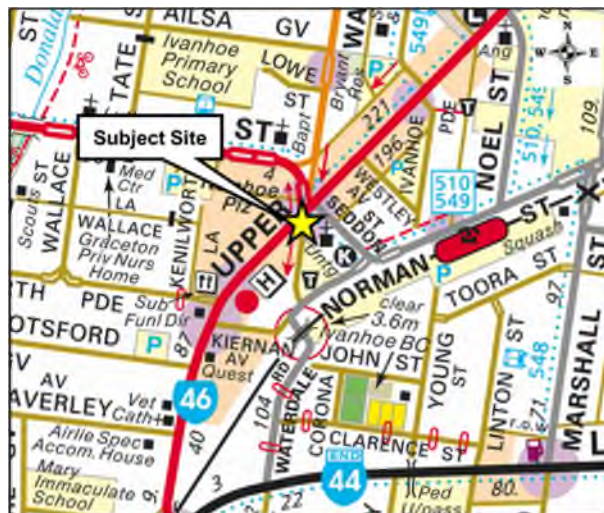
- Specifying the matter in respect of which the right to make a submission applies
- Containing the prescribed details in respect of that matter;
- Specifying the date by which submissions are to be submitted, being a date, which is not less than 28 days after the date on which the public notice is published;
- Stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.

### HUMAN RIGHTS CHARTER

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

### EXISTING CONDITIONS

The subject site, Waterdale Road, Ivanhoe, at Upper Heidelberg Road is classified as a local/residential street under Council's road hierarchy. The urban default speed limit of 50km/h applies to this section and given its residential nature, the road is expected to carry less than 2,000 vehicles per day. A locality plan is presented in Figure 2 below.



**Figure 2. Locality Plan of Waterdale Road, Ivanhoe, at Upper Heidelberg Road.**

The section of road currently operates in a one-way (southbound) arrangement and is approximately 6.4m wide. Access to the section is limited to a left hand turn only from Upper Heidelberg Road.

To facilitate the construction of the development at 154 Upper Heidelberg Road, access to Waterdale Road from Upper Heidelberg Road was temporarily closed with the area being leased to the builder.

## WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd

To maintain access to the abutting properties and the off-street carpark, the section of road between the right of way and Norman Street was temporarily modified to allow two-way traffic flow. This closure commenced in July 2019 and will remain in place until the completion of the development which is expected shortly.

### PUBLIC NOTIFICATION

Council representatives met with the Ivanhoe Traders Association (ITA) with regard to this project prior to the formal notification period and no immediate concern were raised around the proposal.

Public notice of the intention to install permanent barriers on Waterdale Road, Ivanhoe, at Upper Heidelberg Road pursuant to Section 207 and 223 of the Act was subsequently undertaken with a Public Notice published in the Herald Sun on 16 July 2020.

The notice was also posted on Council's website, on physical boards located at the site of the closure and circulated to over 150 properties within the block of Seddon Street, Upper Heidelberg Road, Kiernan Avenue and Norman Street as shown in Figure 3.



Figure 3. Letter Drop Area

The physical signs were displayed on site between 17 July and 18 August 2020.

The submission period for the community closed on 25 August 2020 after being extended. Notification was prominently displayed on Council's website for the entire notification period including through until 25 August 2020.

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

In addition, the proposal was submitted to the Traffic Management Unit of Victoria Police, the Metropolitan Ambulance Service and Metropolitan Fire Brigade for comments.

The proposal was also submitted to the Department of Transport (DoT) on 19 November 2019 for initial comment and they in principal had no objections to the proposal. A formal report was requested as per the Local Government Act 1989 requirement.

**Submissions**

During the submission period, 47 written submissions were received. The submissions were considered by Council at its meeting on 7 September 2020 and the following resolution was made:

*That:*

- 1. In respect of Council's published intention to place permanent barriers on Waterdale Road, Ivanhoe, south of Upper Heidelberg Road; and*
- 2. Having received and considered submissions received under section 223 of the Local Government Act 1989 ("Act");*
- 3. Council hereby resolves to receive and consider a further report and to make a final decision on the proposed placement of permanent barriers on Waterdale Road, Ivanhoe, south of Upper Heidelberg Road, and to give its reasons for its decision, at the ordinary meeting of Council to be held on Monday, 21 September 2020.*

The main points in the submissions is summarised as follows.

Opposition to the closure:

- Closure of Waterdale Road, at Upper Heidelberg Road is against the best interests of the community and commuters.
- Waterdale Road serves as the most direct route travelling south from Upper Heidelberg Road. Alternate routes would take 5-10 minutes longer due to traffic.
- The closure of Waterdale Road would be detrimental to the traders located along Upper Heidelberg Road and would only serve as benefit to the new development located at 154 Upper Heidelberg Road.
- Waterdale Road contains heritage value and should not be altered.
- The traffic volume generated by the closure of Waterdale Road would have a significant impact to the surrounding road network and increase congestion.
- Would limit access to the Norman Street carpark.
- The proposed pedestrianised area would encourage antisocial behaviour from the nearby Ivanhoe Hotel.
- Concerns that the community consultation and advertisement of the proposal was limited due to COVID-19 restrictions and as such are requesting to defer the decision to close the road.
- The proposed "pocket park" location is situated between a number of tall structures and will be subject to limited sunlight and high winds.

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

- Instead consider a temporary closure and creation of a temporary “pop-up” park to gauge community impacts.
- The closure should be deferred to after the Council elections and the creation of the new Chelsworth Ward.

Support for the closure:

- The existing section of road has limited vehicle use whilst being in a high pedestrian use zone.
- The proposed pedestrianised area would be an asset to the community.
- It would improve the safety of pedestrians travelling in the area

Victoria Police have responded indicating no objections to the proposal.

A full copy of all submissions was circulated to Councillors prior to them formally considering them at the Council meeting on 7 September 2020 .

**REPORT FROM THE DEPARTMENT OF TRANSPORT**

As required by The *Local Government Act 1989*, Schedule 11, a report from the Head, Transport for Victoria on the proposed closure was requested.

The report was received and indicated that DOT has no objections to the proposed installation of barriers. DOT required that a kerb was constructed along Upper Heidelberg Road as part of the closure.

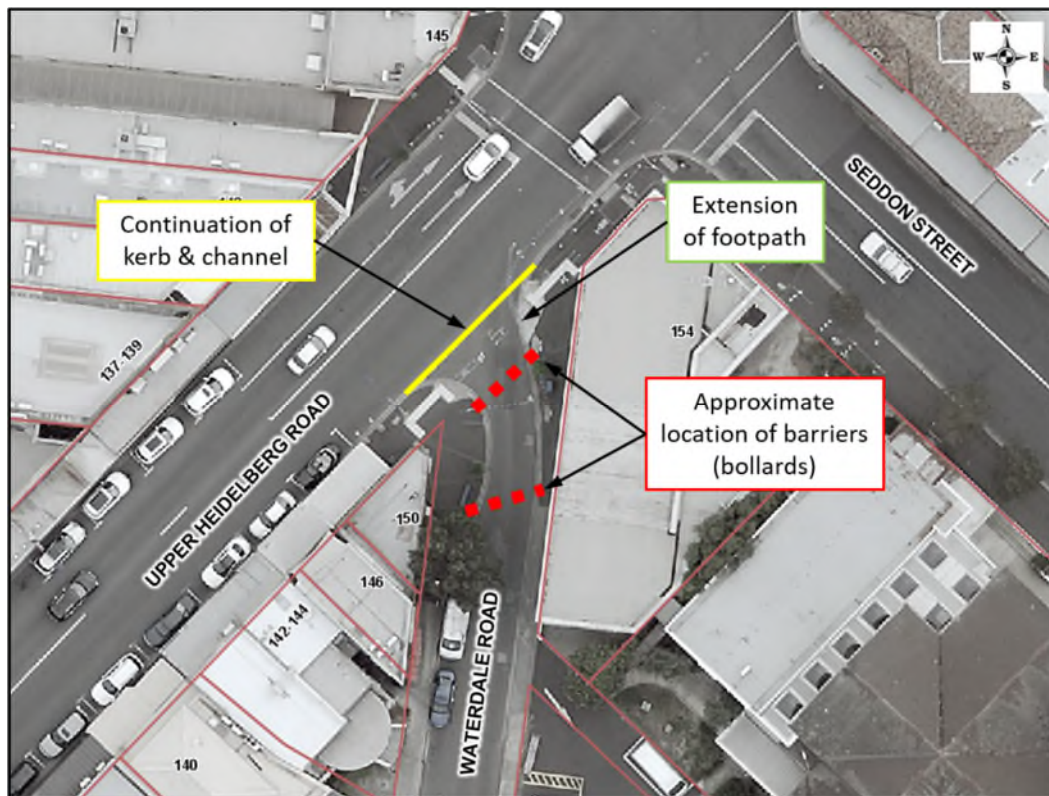
**DISCUSSION**

The proposal consists of the installation of permanent barriers on Waterdale Road at Upper Heidelberg Road, to facilitate the construction of a pedestrianised area consistent with the Ivanhoe Structure Plan and the Ivanhoe Shopping Centre – Car Parking Precinct Management Plan & Pedestrian and Traffic Movement Plan.

As shown in Figure 4 below, the current aim is to extend the existing kerb, channel and footpath along Upper Heidelberg Road and install permanent barriers in two locations at approximately 4m and 18m from the kerb line of Upper Heidelberg Road to prevent vehicle access.



**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**



**Figure 4. Waterdale Road, Ivanhoe at Upper Heidelberg Road – Proposal**

**Traffic Response**

A number of the submissions received have raised concerns that the proposal would limit traffic access to the area. Figure 5 and Figure 6 shown below, highlight the existing and proposed vehicle route access to the area. The proposed changes will see improved two-way access from Norman Street.

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**



**Figure 5. Waterdale Road, Ivanhoe – Current vehicle access**



**Figure 6. Waterdale Road, Ivanhoe – Proposed vehicle access**

Should the road closure proceed, it is expected that the majority of vehicles travelling south along Waterdale Road will travel via Seddon Street instead as appears to be currently occurring. Traffic counts conducted in January 2016 indicated 985 vehicles per day (958 southbound and 28 northbound) along this section of Waterdale Road.

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

Given the one-way arrangement at the time, this indicates that 28 vehicles were travelling illegally in the wrong direction.

Traffic counts along Seddon Street indicate that approximately 7,597 vehicles travel along the road per day. Banyule City Council's Road Register classifies Seddon Street as a level 1, sub-arterial road, which is expected to carry between 10,000 – 15,000 vehicles per day. As such, the additional traffic generation is well within the capacity of Seddon Street and will have a minimal impact to the surrounding road network.

As part of one of the submissions received, additional traffic count data was provided to Council officers for their information. This traffic count conducted on 5 February 2016 for a 5-day period recorded 1,059 vehicles per day (1,047 southbound and 12 northbound) along Waterdale Road, near Upper Heidelberg Road. This data is slightly higher but consistent with the previously recorded volume in January 2016 and is not a significant change which should be considered to contradict the previous advice. Seddon Street will be able to cater for the additional traffic generated following the closure of Waterdale Road.

In addition, access to Waterdale Road from Upper Heidelberg Road has been temporarily closed for the last 14 months and no issues have been identified. This has provided a good trial run for a permanent closure of the road and supports the notion that the proposed road closure will have minimal impact to the surrounding road network.

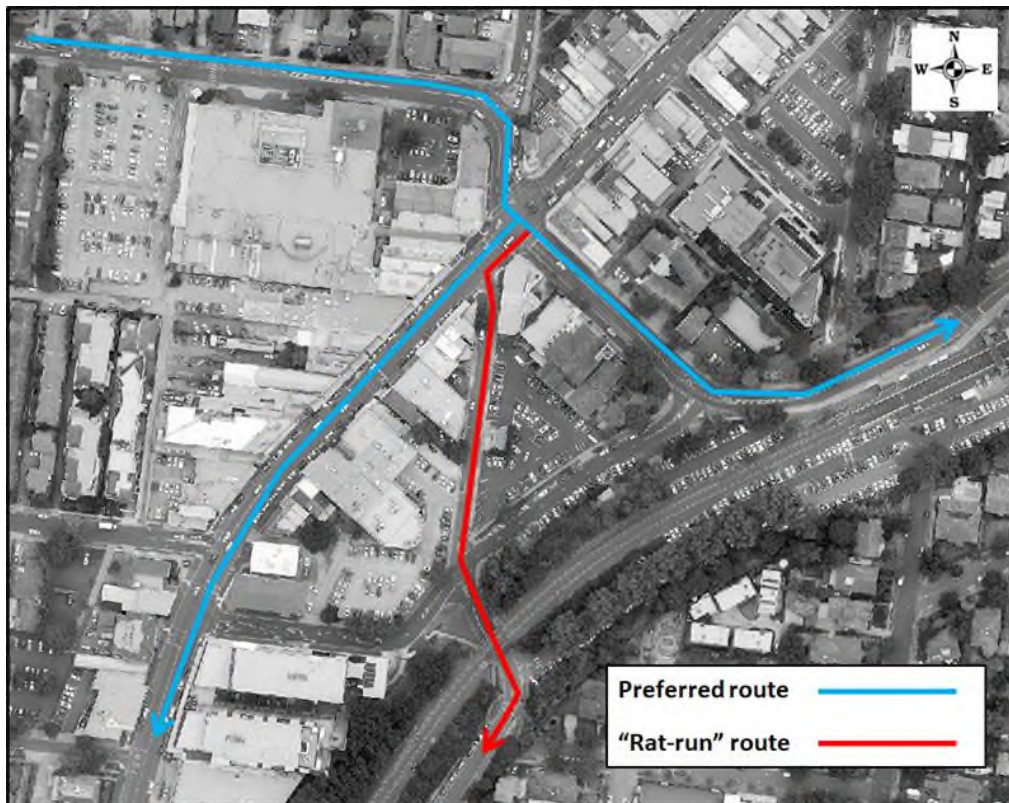
**Local Impacts**

Over the years, Council has received several concerns regarding increasing traffic along Waterdale Road between Norman Street and Lower Heidelberg Road. The proposed closure is expected to reduce the amount of travel through the residential area of Waterdale Road and is expected to encourage motorists to remain on the arterial road network when travelling south through the municipality.

In addition, Council has also acknowledged concerns regarding "rat-running" in the area due to congestion along Upper Heidelberg Road. This issue is substantiated by the number of submissions received objecting to this proposal as it outlines that Waterdale Road is used as a thoroughfare. As shown in Figure 7 below, the existing conditions allow for vehicles to travel from Livingstone Street, continuing south on to Waterdale Road and under the rail bridge to cut through the area via a residential street. The preferred route of travel through the area is via the arterial and sub-arterial road network, specifically through Upper Heidelberg Road and Seddon Street. The proposed road closure will reduce "rat-running" through residential streets which can be seen as a benefit to the residents in the immediate area.

A number of submitters raised concerns regarding the intersection of Seddon Street and Norman Street. This intersection was last upgraded in about 2004. Given conditions and the surrounding area has changed since then, a road safety audit could be undertaken of the intersection to identify any traffic safety improvements that could be made.

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**



**Figure 7. Waterdale Road, Ivanhoe – Travel Routes**

**COVID-19 Impact on Community Consultation**

Concerns have been raised regarding the community consultation and indicated that public notice of the proposal was limited due to COVID-19 restrictions. A significant amount of advertisement was conducted to promote the public notice for submissions. As previously outlined, public notification was conducted through the Herald Sun, Council's website, physical sign boards on-site and through letter drops to over 150 properties.

In response, 47 written submissions been received which is significantly greater than the standard number of submissions received for similar proposals. Hence, the consultation conducted can be considered suitable given the advocacy conducted by local community members.

An additional 3 submission were received after the submission period. No new issues were raised in these submissions.

**Other Concerns**

It has been asserted that the current proposal for a pedestrianised area on Waterdale Road was raised in response or for the sole benefit of the recent development occurring at 154 Upper Heidelberg Road, Ivanhoe. This is not the case as Waterdale Road, amongst six other locations were identified as opportunities in the Ivanhoe Structure Plan. These actions raised within the Ivanhoe Structure Plan occurred prior to the development at 154 Upper Heidelberg Road.

## **WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

It has been highlighted that Waterdale Road contains heritage value and should not be altered. Whilst Waterdale Road has a long-standing history and was shown on parish plans, the proposal does not intend to remove the road status just restrict vehicle access.

Council representatives met with the Ivanhoe Traders Association (ITA) with regard to this project prior to the formal notification period and no immediate concern were raised around the proposal. The ITA has indicated that it doesn't provide explicit support for the closure of Waterdale Road until it fully considers the plans and details of the pocket park.

Suggestions have been raised to defer the road closure decision to a later date. As outlined previously, there are two primary reasons that an outcome and decision on the closure of the road is preferred to occur now. Firstly, the development at 154 Upper Heidelberg Road is nearing completion and will soon undertake reinstatement works. Should the road closure proceed, this is not a cost-effective use of community resources. Secondly, the confirmation of the road closure will provide direction for the pocket park concept designs. Further details to these reasons are outlined within the Background of this report under "Timing for closure".

It has also been suggested that a temporary closure is undertaken to facilitate the creation of a temporary "pop-up park" to gauge community impacts. Whilst genuine traffic experiments can be undertaken, this has essentially been reproduced with the introduction of the temporary road closure since July 2019 for the development of 154 Upper Heidelberg Road.

With regards to specific concerns regarding the pocket park location and design, further planning and consultation will be undertaken to determine how this space is designed, developed and implemented as part of the larger pocket park project. This will commence in late November or early December depending on Covid-19 lockdown restrictions. The final designs for the pocket park can be brought back to Council for approval with the permanent closure being reconsidered if the final designs do not require the closure to occur. Residents, nearby traders and the Ivanhoe Traders Association will all be part of the further consultation process.

### **FUNDING IMPLICATIONS**

On 24 May 2020, the Minister for Energy, Environment and Climate Change announced that Council has been successful in obtaining a grant valued at \$1.3 million under the Local Parks Program. This funding will be utilised to create a 'pocket park' in this location and conduct any further associated works. If the proposal does not proceed, the funding will need to be returned to the State Government.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

**CONCLUSION**

The concept of closing a road to create a pedestrian friendly environment was adopted by Council in 2000 as part of the Ivanhoe Shopping Centre – Car Parking Precinct Management Plan & Pedestrian and Traffic Movement Plan. This then led on to it being included as part of the Open Space Strategy in 2007.

In 2011, during the preliminary draft stages of the Ivanhoe Structure Plan (ISP), Waterdale Road, south of Upper Heidelberg Road was identified as a potential location for a public square. The ISP was adopted by Council on 1 December 2014, which confirmed this as a suitable location to create a pedestrianised area and public square.

Recently, Council was successful in obtaining a grant under the Local Parks Program valued at \$1.3 million to create a 'pocket park' on Waterdale Road.

Council at its meeting on 15 June 2020, considered a report regarding the placement of permanent barriers on Waterdale Road, at Upper Heidelberg Road and resolved to commence the statutory procedures pursuant to sections 207 and 223 of the *Local Government Act 1989* ("Act").

Public notice of the consultation period was published in the Herald Sun on 16 June 2020. The notice was also published on Council's website, on physical boards located at the site of the closure and circulated to over 150 properties within the area.

At the close of submissions on 25 August 2020, 47 written submissions were received. Three late submissions were also received.

From the written submissions received, the majority focused upon the traffic impacts that would arise if the road closure proceeded. Following traffic counts undertaken in Waterdale Road and Seddon Street, it is expected that Seddon Street has the capacity to carry the additional traffic volume following the road closure.

Submissions were formally considered by Council at its meeting on 7 September 2020.

Comments on the proposal were requested from the Traffic Management Unit of the Victoria Police, the Metropolitan Ambulance Service and the Metropolitan Fire Brigade. Victoria Police have responded with no objections to the proposal. No response was received from the other agencies.

A report on behalf of the Head, Transport for Victoria on the proposed closure has also been received with no objections raised.

There are two primary reasons that an outcome and decision on the closure of the road is preferred to occur now, being the approach to reinstatement of the road following the temporary closure and to give certainty for the concept designs of the pocket park.

Further planning and consultation will be undertaken to determine how this space is designed, developed and implemented as part of the larger pocket park project. If after the consultation and final design approval of the pocket park and the urban

**WATERDALE ROAD, IVANHOE - PROPOSAL TO PLACE PERMANENT BARRIERS cont'd**

design project, the design does not require this section of road to be closed consideration could be given to reopening it to traffic.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Waterdale Road, Ivanhoe - Benchmark Examples	

### **5.3 73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020)**

Author: Walla Idris - Development Planner, City Development

Ward: Griffin

---

#### **EXECUTIVE SUMMARY**

The proposal is for the development of four double storey dwellings and vegetation removal.

The proposal includes the retention of five trees including one high retention value tree (tree #3 – Italian Cypress) located to the west of the carriageway easement. The removal of two additional low retention value trees is also proposed.

A total of 55 objections were received during public notification. Concerns regarding impact on neighbourhood character, amenity impacts, traffic and car parking and vegetation removal have been raised.

The proposal includes variations to Council's Residential Neighbourhood Character policy with respect to separation between dwellings and contemporary design. The removal of the swimming pool to each dwelling improves planting opportunity throughout the site. The increase in permeable areas and improved planting species which can be required by conditions will support a landscaping buffer across the western interface with adjacent properties on Mount Street.

The site has previous planning and enforcement history relating to the removal of protected vegetation. Replanting was required as part of the permit issued for planning permit application P646/2017 and this is addressed in the recommendation.

The proposed development is considered to provide an appropriate response to the multi-unit developments to the east and recent contemporary single dwellings adjacent to the site and should be supported subject to conditions.

#### **RECOMMENDATION A**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P117/2020 for the Development of four dwellings and vegetation removal at 73 Devon Street EAGLEMONT subject to the following conditions:

##### **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



**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

to the Responsible Authority. The plans must be substantially in accordance with the advertised plans dated 14 July 2020 with the application but modified to show:

- (a) Remove all swimming pools;
- (b) Permeable paving material to the terrace areas of all dwellings;
- (c) Tree planting area in accordance with Council's *Tree Planting Zone Guidelines* for each proposed tree to be hatched on plans;
- (d) The use of a permeable pavement system for the entire extent of the driveway;
- (e) All tree sensitive construction methods including surface treatments for driveway and paths to be annotated;
- (f) Any separate structure containing electrical meters or other site services must not exceed 1.5 metres in height and must be located behind the front line of the dwelling facing the street or adjacent to the side boundary fence;
- (g) Gas and water meters to be nominated on the plans and sited or screened to minimise visibility from neighbouring properties and the public realm;
- (h) The location for any split system air conditioner units and/or hot water systems at ground level to minimise visibility from the public realm and neighbouring properties;
- (i) The mail boxes located in accordance with Australia Post guidelines;
- (j) Provision of a minimum 2000L rainwater storage tank for each of the dwellings including its location, sizing and a notation of the connections and end use;
- (k) All upper floor windows shown on the endorsed plans must be non-openable with fixed obscure glass or permanently fixed external screens be no more than 25% transparent to a height of 1.7metres above floor level;
- (l) Corner splays on each side of the accessway in accordance with Design Standard 1 of Clause 52.06;
- (m) The accessway designed to accommodate simultaneous movement at the changes of direction within the basement carpark;
- (n) Provision of hard standing bin area;
- (o) All sustainable design features indicated in the submitted Sustainable Design Assessment (SDA)/Sustainable Management Plan (SMP). Where sustainable design features outlined in the SDA/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);
- (p) 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;
- (q) Development Drainage Plans in accordance with Condition 2 of this permit;

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

- (r) A Landscape Plan in accordance with Condition 3 of this permit;
- (s) A Waste Management Plan in accordance with Condition 7 of this permit;
- (t) Tree Preservation Fencing in accordance with Condition 16 of this permit.

**Development Drainage Plans**

2. Before the development permitted by this permit commences, Development Drainage Plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be prepared by a suitably qualified engineer or similar person showing a properly prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas including:

- (a) The use of an On-site Stormwater Detention (OSD) system;
- (b) The connection to the Council nominated legal point of discharge;
- (c) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
- (d) The integration, details and connections of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report and include drainage details as a result of landscaping;
- (e) All drainage plans must show Trees #1, #2, #3, #6, #7, #9, #11, #12, and #13: The Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, each as detailed and calculated within the arborist report submitted with the application authored by Dean Simonson of Treemap Arboriculture dated December 2019.

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

**Landscape Plan**

3. Before the development permitted by this permit commences, a satisfactory detailed landscaping plan must be submitted to and approved by the Responsible Authority. Such plan must be prepared by a person suitably qualified or experienced in landscape design and must show:

- (a) Amendments required by Condition 1 of this permit;
- (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

- (c) Provision of formed garden beds with edging along the front property boundary and within the front setback to prevent cars parking;
- (d) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;
- (e) Provision of the following minimum plantings:
  - (i) Three (3) large canopy trees (mature height of at least 12m) planted at a semi-advanced state (minimum pot size 40 litre);
  - (ii) Six (6) medium canopy trees (mature height of at least 8m) planted at a semi-advanced state (minimum pot size 16 litre); and
  - (iii) Ten (10) small canopy trees (mature height of at least 5m) planted throughout the site;
- (f) Provision of 2 small and 2 medium canopy trees and understorey planting in the area of SPOS located between each dwelling;
- (g) Replace Lomandra “Tanika” and Anthropodium Cirratum with alternative hedge and shrub species at southern setback;
- (h) Screening shrubs at west boundary replaced with the following species:
  - Ceratopetalum gummiferum “Christmas bush”
  - Callistemon “Kings park”
  - Pittosporum “James stirling”
- (i) An indigenous and/or drought tolerant planting theme;
- (j) 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;
- (k) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
- (l) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill;
- (m) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainable Design Assessment and STORM report, with reference to connection details on the engineering plans.

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

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING  
DEVELOPMENT (P117/2020) cont'd**

**General**

4. 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.
5. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be commenced until the tree protection measures required by Condition 16 are installed to the satisfaction of the Responsible Authority.
6. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, parking, landscaping, drainage, street numbering, replacement of street trees).

**Waste Management Plan**

7. Before the development permitted by this permit commences, a Waste Management Plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. The plan must specify that collection is to be by a private contractor and provide details such as:
  - (a) How waste and recycling materials are to be managed within the site and collected from the subject site including location of storage area, collection point;
  - (b) How fully laden bins will be taken to and from the collection point;
  - (c) Anticipated frequency, hours and duration of collection;
  - (d) Demonstrate that the waste collection vehicle will be able to enter and exit the waste collection point in a forwards direction at all times (if required);
  - (e) How bin storage areas will be maintained to ensure there is no unreasonable emission of odour or noise.

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

**Notification of Responsible Authority of other matters**

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

**Development Infrastructure Levy**

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

9. 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.

**Tree Protection**

10. All buildings and works for the demolition of the site and construction of the development (as shown on the endorsed plans) must not alter the existing ground level or topography of the land outside of the approved building envelop within:
- 2.7m of the northern boundary within the TPZ of Tree #1
  - 5.2m of the northern boundary within the TPZ of Tree #2
  - 8.8m of the southern boundary within the TPZ of Tree #6
  - 6.8m of the western boundary within the TPZ of Tree #7
  - 1m of the eastern boundary within the TPZ of Trees #11, #12 and #13
  - 2.5m of the western boundary within the TPZ of Tree #14
  - 3.4m of the western boundary within the TPZ of Tree #16

Root investigation

11. A non-invasive root investigation of Tree #3 is to be undertaken prior to the endorsement of the plans. The investigation must:
- (a) Number all roots
  - (b) Identify the diameter of any roots found
  - (c) Map their depth and location on a scaled plan
  - (d) A council planning arborist must be contacted to inspect the trench while it is open
  - (e) Have an accompanying arboricultural report

The report must give advice and recommendations which demonstrate how Tree #3 will remain viable if works were to go ahead under the current plans, to the satisfaction of the Responsible Authority.

If significant roots are encountered then an amendment to the plans and/or approved tree sensitive non-destructive footing design to the satisfaction of the Responsible Authority is required. The positions of the piers must be flexible to avoid significant roots and the joists positioned above grade.

Modified Foundation Design

12. Where Dwellings #1 and #2 are within the TPZ of Tree #3, it is to be constructed on tree sensitive footings, such as post footings or screw piles,

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

with no grade change within the TPZ to the satisfaction of the Responsible Authority.

13. The positions of the piers/posts must be flexible to avoid significant roots and the joists positioned above grade to the satisfaction of the Project Arborist.
14. The postholes are to be hand dug and no roots greater than 40mm in diameter are to be cut or damaged to the satisfaction of the Project Arborist.
15. A Geotechnical Engineer must assess the soil type and provide the results to a Structural Engineer so that appropriate footing and foundations can be designed so that they are not affected by soil movement to the satisfaction of the Responsible Authority.

Tree Preservation Zones

16. Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of works on the site Tree Preservation Zones must be established around Trees #1, #2, #3, #6, #7, #9, #11, #12, and #13. At least 14 days prior to the commencement of works you must provide a 'Statement of Compliance' the suitably qualified project arborist (**AQF Level 5**) which must include photographic evidence of the below requirements. This correspondence must be sent to [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au). Once installed to the satisfaction below the Tree Preservation Zones must be maintained until the conclusion of works to the satisfaction of the Responsible Authority, and must meet the following requirements:
  - (a) Tree Preservation Zones must be provided in the following trees:
    - (i) **Street Tree #1:** to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over)
    - (ii) **Neighbouring Trees #11, #12, #13, #14, #15 and #16:** to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
    - (iii) **Site Trees #2, #3, #6, #7 and #9:** to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the Land.
    - (iv) **Any trees planted required to be planted under Planning Permit P646/2017**
  - (b) Where there are approved works within a TPZ, it may only be reduced to the required amount by an authorised person, only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.
  - (c) Any excavation greater than 1000mm for lower levels or retaining walls within the TPZ of a retained tree must not be battered. Excavation must be sequenced or staged with excavation 'cuts' made vertical, ensuring that no soil volume of the remaining TPZ is lost.

Weed control

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

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

Fencing

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

Signage

- (f) Fixed signs are to be provided on all visible sides of the Tree Preservation Fencing, stating “Tree Preservation Zone – No entry without permission from the City of Banyule”.

Irrigation

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

Access to Tree Preservation Zone

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

Ground Protection

- (l) A permeable membrane beneath a layer of mulch or crushed rock below rumble boards must be laid down where the tree protection zone occurs outside the fenced area detailed in Condition (?) (a). Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed.

**Note:**

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

- a) Any further works that are approved are to be supervised by the project arborist, and a written component may be required also;
- b) All root excavation be carried out by hand digging or with the use of ‘Air-Excavation’ techniques;
- c) Canopy and Limb protection is provided in accordance with the guidelines detailed in AS4970-2009 Protection of Trees on Development Sites.

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

- d) Or other conditions, as relevant, to ensure the ongoing health and stability of the subject tree/s.
- e) Any excessive impacts on the canopies and/or roots of trees located on or adjoining property may trigger the need for a Section 72 Amendment application in regard to the design of built-form and/or landscaping.

Driveway Preparation and Construction

- 17. The removal of any section/s of the existing driveway must be undertaken under the supervision and direction of the project arborist within the TPZ of a Trees #3, #6, #7, #14, #15 and #16.
- 18. The exposed areas must then be mulched with a 75mm layer of coarse grade composted woodchips with rumble strip boards placed on top, which must be maintained until such time as the treatment approved for that section is installed within the TPZ of a Trees #3, #6, #7, #14, #15 and #16 to the satisfaction of the Project Arborist.
- 19. The development the driveway within the TPZ of Trees #3, #6, #7, #14, #15 and #16 must be constructed above the existing soil grade to the satisfaction of the Project Arborist.
- 20. The driveway must be constructed using porous materials within the TPZ of within the TPZ of a Trees #3, #6, #7, #14, #15 and #16 approved by the Responsible Authority that allows water to penetrate through the surface and into the soil profile to the satisfaction of the Project Arborist.
- 21. No roots are to be cut or damaged during any part of the construction process.
- 22. A suitably qualified arborist (AQF Level 5) must supervise the driveways perpetration and construction within the TPZ of within the TPZ of a Trees #3, #6, #7, #14, #15 and #16. The arborist must ensure no roots are cut or damaged during any part of the construction process.

Tree Pruning

- 23. Prior to the commencement of works, the project arborist must determine the canopy impact to trees on or adjoining the subject site that are shown to be retained on the endorsed plans in regards to any pruning required to enable clearance from the proposed Buildings and Works (including any temporary scaffolding requirements), and advise council's Development Planning Arborists via email to [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au) marked "Attention - Development Planner" and including the planning application number. Following written approval from the Responsible Authority, all tree pruning must then be carried out by the suitably qualified project arborist (**AQF Level 5**) 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.

**Section 173 Agreement**



**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

24. Unless otherwise agreed in writing by the Responsible Authority, before the development permitted by this permit commences, the owner of the land at 73 Devon Street EAGLEMONT 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 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 P117/2020.

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

**ACTIONS REQUIRED UPON COMPLETION OF DEVELOPMENT**

**Occupation of Development**

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

**ONGOING REQUIREMENTS OF THIS PERMIT**

**General**

26. 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.

**Car Parking/Access**

27. 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.

28. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose to the satisfaction of the Responsible Authority.

29. 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

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

Authority. Any existing unused crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority prior to occupation of the development. All vehicle crossing works are to be carried out with Council Supervision under a Memorandum of Consent for Works which must be obtained prior to commencement of works.

**Urban Design and Landscaping**

30. 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.
31. Any air-conditioning or cooling units, condensers and the like must not be located on external walls and, if located on balconies, must be screened, to the satisfaction of the Responsible Authority.
32. 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.
33. 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.
34. 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.
35. 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.
36. Unless otherwise agreed in writing by the Responsible Authority, no vegetation (other than that indicated on the endorsed plan or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

**Waste Management**

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

**Maintenance of property**

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

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

**Permit Expiry**

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

**PERMIT NOTES**

**A. Expiry of Permit**

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

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

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

**B. Building Permit Required**

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

**C. Building over Easements**

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

**D. Drainage Plan Requirements**

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

**E. Access to Council Reserve**

No permission can be granted either temporary or otherwise by Council and/or its employees with respect to access to the adjacent Council owned land (including the road reserve) for any purposes relating to the proposal

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

(e.g. parking of surplus vehicles, delivery of materials etc.), without application being made for the requisite permit (i.e. Local Law Permit).

**F. Completion of Development**

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

**G. Development Infrastructure Levy**

Please refer to Schedule 1 to the Development Contributions Plan Overlay 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.

**H. 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:

Dwelling 1 1/73 Devon Street EAGLEMONT  
Dwelling 2 2/73 Devon Street EAGLEMONT  
Dwelling 3 3/73 Devon Street EAGLEMONT  
Dwelling 4 4/73 Devon Street EAGLEMONT

**H. Memorandum of Consent for Works**

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

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

**I. Building Site Code of Practice**

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

**RECOMMENDATION B**

That Council:

1. Require the land owner to provide the following replacement planting required by Planning Permit P646/2017 by 30 November 2020:

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

- Three (3) large canopy trees planted at a semi-advanced state (minimum pot size 40 litre);
  - One (1) medium canopy tree; and
2. Undertake enforcement where replacement planting is not provided within the requested timeframe

<b>Planning Permit Application:</b>	P117/2020
<b>Development Planner:</b>	Walla Idris
<b>Address:</b>	73 Devon Street EAGLEMONT
<b>Proposal:</b>	Four (4) dwellings and vegetation removal
<b>Existing Use/Development:</b>	Single dwellings
<b>Applicant:</b>	Milenko Podnar Architect Pty Ltd
<b>Zoning:</b>	General Residential Zone – Schedule 2 (GRZ2)
<b>Overlays:</b>	Vegetation Protection Overlay – Schedule 3 (VPO3) Development Contributions Plan Overlay - Schedule 1 (DCPO1)
<b>Notification (Advertising):</b>	One sign on site and notices to surrounding properties
<b>Objections Received:</b>	55
<b>Ward:</b>	Griffin

**PROPOSAL**

Planning approval is sought for a residential development and vegetation removal as follows;

- The proposal involves the construction of 4 dwellings, each containing 3 - 4 bedrooms. The maximum height is 8.47m and 2 storeys. One tree on site requires a planning permit for removal under the Vegetation Protection Overlay;
- Secluded Private Open Space areas provided comprise ground floor gardens and swimming pools;
- Each dwelling is provided with 2 car parking spaces and storage within a double garage;
- Vehicle access is proposed via an existing 3m wide carriageway easement to Devon Street. All parking spaces are provided in the double garage with internal access to each dwelling;
- The proposed architecture is a contemporary, modern form incorporating flat roof profiles; framed elements; cantilevered front entries and varied fenestration. Materials include grey stone look tiles at ground floor, metal/aluminium panels at first floor;
- Trees #4 and #5 are proposed for removal. All other site trees are proposed for retention and are considered as having medium - high retention value; and

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

- The landscaping plan includes 3 large evergreen trees, 14 medium sized deciduous evergreen trees and 4 small deciduous trees. The frontage is defined by two *Brachychiton populneus* 'Kurrajong' trees. The rear setback is planted with two *Allocasuarina verticillata* 'Drooping She-oak' trees. The proposal also includes a number of deciduous narrow trees in west setbacks, between dwellings and associated ground covers.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (the Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**BACKGROUND**

The site has previous planning investigation and enforcement history. Specifically, this relates to the removal of protected vegetation (a total of 10 trees were removed). This investigation matter has been resolved upon the issuing of Planning Infringement Notices to the land owner and tree removal contractors. Replanting was included as part of the permit application P646/2017.

Permit P646/2017 for the removal of 11 trees and pruning of vegetation was approved on 15 January 2018. The removal of the trees was associated with the construction of a new single dwelling which was proposed at the time. The dwelling itself did not require planning permission.

This planning permit required the retention of Tree #26 which is identified as Tree #6 in the arborist report for the current application; Tree #62 as identified as Tree #2 and Tree #11 a high retention value site tree identified for protection as Tree #3 in the current application.

The trees associated with the above permit have subsequently been removed. As such the replacement planting required by this permit must be captured in the current development proposal. As part of permit P646/2017 Council's Development Arborist requested that three large, six medium and eight small canopy trees be provided on site in addition to the five existing trees for retention.

**SUBJECT SITE AND SURROUNDING AREA**

The subject site is located on large rectangular allotment with a 27m wide frontage to Devon Street and depth of 67m. The site has a total area of 1851sqm. The site includes approximately 7 metres cross-fall from the south - western rear to the north - eastern frontage. The site is currently vacant with remnant brick garage located to the eastern boundary. The existing vehicle access is provided via a carriageway easement, parallel to the eastern boundary and benefiting the subject site and adjacent property at 71 Devon Street. The site contains one large high retention value native tree adjacent to driveway and four medium retention value trees along the north and southern setback.

## 73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd

The site is located within an established residential area. The street is characterised by dwellings on larger lots set within a landscape of native and exotic vegetation. The immediate surrounding context is a range of existing single and double storey developments to the east, west and south and is opposite a public reserve to the north.

Architectural styles are varied in their typology, with development from a range of eras in this part of the streetscape. The southern side of the street is elevated and includes more contemporary, robust two storey forms. The northern side of the street includes more discreet buildings forms that are veiled by vegetation.

The site is well served by local infrastructure and services being located approximately 500m west of the Yarra River, 500m north east of Eaglemont Railway Station, 600m south east of Heidelberg Railway Station and 750m south-west of Burgundy Street Activity Centre and directly opposite Albert Jones Reserve (to the north).

### Locality Plan



### PUBLIC NOTIFICATION

Public notification was conducted by means of posting notices to the owners and occupiers of surrounding properties. To date, 55 objections have been received. Grounds of objection are summarised as follows:

- Neighbourhood Character – Site coverage, building height, setbacks, visual bulk, materials and fencing;
- Insufficient landscaping;
- Amenity impacts – overlooking, overshadowing, noise and light;
- Traffic and car parking impacts;
- Vegetation removal and impacts;
- Loss of views;

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

- Development precedent.

**REFERRAL COMMENTS**

<b>Department/ Officer</b>	<b>Conditions /Comments</b>
Developments & Drainage	Council's Developments & Drainage Section reviewed the proposal and raised no major concerns. Standard conditions relating to drainage requested are to be included on any approval issued.
Development Arborist	Council's Development Arborist has advised that the proposal can be supported from an arboricultural perspective subject to the retention of Street Tree #1; Neighbouring Trees #11, #12, #13, #14, #15 and #16; and Site Trees #2, #3, #6, #7 and #9.  Tree protection conditions are to be included on any approval issued including root investigation and modified foundation to ensure retention of Site Tree #3.
Traffic & Transport	Council's Traffic Engineering Section have reviewed the proposal and raised no major concerns. Standard conditions relating to access and parking areas are to be included on any approval issued.
Waste Management	It is recommended that conditions be included requiring the submission of a waste management plan due to the location of unlimited parking on the street.
Landscape Consultant	The amended application was referred to landscape architect to confirm planting areas and species were appropriate. Conditions of permits will require an updated species list.

**PLANNING CONTROLS**

The planning controls applicable to the site are outlined in Table 1 below:

Table 1: Applicable Planning Controls

<b>Control</b>	<b>Clause</b>	<b>Permit Triggered</b>
General Residential Zone 1 (GRZ2)	32.08	Yes
Vegetation Protection Overlay (VPO3)	42.02	Yes
Development Contribution Plan Overlay (DCPO1)	45.06	Yes
Car Parking	52.06	No



**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

**POLICIES CONSIDERED**

Table 2: Relevant Planning Scheme Policy

<b>Policy</b>	<b>Clause</b>
<b>LPPF</b>	
Built Environment and Heritage	15
Housing	16
Built Environment ( <u>Incremental area</u> )	21.06
Residential Neighbourhood Character Policy (Garden Suburban 3 Precinct)	22.02
Safer Design Policy	22.03
Environmentally Sustainable Design	22.05
ResCode	55

**TECHNICAL CONSIDERATION**

Council must consider this application within the strategic context of the site location, the response to the character and amenity of the area, internal amenity, traffic and car parking and vegetation impacts and removal. These are discussed below.

Strategic Location of the site

The Residential areas framework plan within the Municipal Strategic Statement (Clause 21.06-2) identifies the site as 'Incremental'. The policy emphasises that development should provide for a mix of well-designed single dwelling and medium density dwellings in garden settings, with space around and between proposed dwellings to create an attractive, tree landscape setting.

It is recognised that the subject site is large in size and it is accepted that it has potential to provide for a medium density development with opportunity for planting substantial trees, at streetscapes, boundaries and between buildings.

The design of the proposal demonstrates a suitable transition between abutting dwellings along the Mount Street, Devon Street and Carlsberg Road interfaces frontages with each respective frontage responded to with staggered setbacks providing meaningful landscaping including additional canopy tree planting on site.

The design in the form of three tandem buildings with separation between each to assist in the breaking up of built form presenting to Devon Street and abutting Mount Street properties.

The well-articulated design and application of materials is considered to make a positive contribution to the streetscape and warrants support as discussed within the Neighbourhood Character assessment.

Neighbourhood Character

The proposed development is considered appropriate with respect to the key requirements of Council's Residential Neighbourhood Character Policy as follows:

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

- The contemporary design sits comfortably within the varied architecture of the street. The proposal incorporates a variety of external materials and built forms that complement the surrounds in which it is located. Recent examples of contemporary large scale single dwellings are located at 59 Devon Street and adjacent properties to the south at 24 Mount Street and 68-70 Carlsberg Road.
- Built form separation required by the neighbourhood character policy is generally achieved. A partial variation is proposed between Dwellings 2 and 3 which includes a section of joint built form facing the eastern carriageway easement. A partial variation provides larger continuous planting areas for medium canopy trees toward the more sensitive interfaces with Secluded Private Open Space to 26 and 30 Mount Street to the west.
- The section of joint built form to Dwelling 2 and 3 faces the eastern carriageway easement and is setback 7m from the neighbouring garage on boundary (71 Devon Street) and therefore considered a non-sensitive interface.
- A partial 3m wide separation (18sqm) area is provided between the living room and kitchen to Dwelling 2 and 3 to address the sensitive western interface with 28 Mount Street. This area will support a combination of small - medium tree plantings to adequately buffer the built form. Further the first floor footprint of Dwelling 2 and 3 is separated except for a section of staircase located at the centre of the site approximately 10.8 metres from west and 11m from the east which is unlikely to impact neighbouring interfaces due to the significant setback.

Landscaping

The below table provides a summary of the previous tree removal, retention and replanting requirements compared to what is now proposed.

	<b>Tree Removal without permit</b>	<b>Planning Permit P646/2017</b>	<b>Current Proposal</b>
<i>Tree Removal</i>	Ten (10) trees	A further eleven (11) trees	A further two (2) trees: Tree #4 and #5.
<i>Tree Retention</i>	-	Seven (7) trees*	Six (6) trees: Tree numbers #2, #3, #6, #7, #8 and #9
<i>Replacement planting</i>	-	Three (3) large, six (6) medium and eight (8) small trees	Three (3) large, six (6) medium and ten (10) small trees.  An additional two (2) small and two (2) medium trees will replace the existing pools located between each dwelling.

\* Tree #4 is not protected which is why it wasn't listed for retention in the original Permit P646/2017.

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

The previously approved tree removal was required to be offset with replacement planting included as part of the proposed development approved under P646/2017

The proposal seeks to retain seven canopy trees across the site, four of which are large trees. One large tree in the front setback (tree #2 – River she-oak), one large tree adjacent to the eastern driveway (tree #3 – Italian Cypress), two large trees in rear setback (tree #6 -River she-oak and #7-River she-oak), one medium trees in the rear setback (tree #9- Kurrajong) and two small trees in the rear setback (tree #8 and #10). In addition, the proposal also provides for adequate landscaping area for new opportunities to enhance the garden setting as viewed from the streetscape.

The western boundary setback provides a minimum 35sqm of planting area (excluding paving) for each dwelling, sufficient area for small to medium canopy tree plantings. Dwelling 4 maintains a 4.1m rear setback and 128 sqm garden area which proposes two medium sized canopy trees parallel to the rear southern boundary.

A minimum 3.8 metre wide dwelling separation is provided between Dwelling 1 and 2 to support 48sqm planting area for two small deciduous trees. A minimum 4.2 metre wide area is provided between Dwelling 3 and 4 with 39sqm of permeable area for two additional small deciduous trees.

The current landscaping scheme increases on the previous replacement planting requirements associated with the previous permit approval at the site. The four tandem dwellings allow for a balance of tree planting throughout the site where the previous single dwelling proposed two large built forms which limited planting areas to the site boundaries.

Conditions can be applied to require the replacement planting associated with the previous permit approval at the site and an additional four small trees to replace the pool in the SPOS of each dwelling. Conditions can also require altered tree species lists to ensure vertical screen planting at the western boundary. Therefore a total of three large tree species in the front setback and secluded private open space of Dwelling 1, eight medium trees and 8 small trees will be provided across the site.

As vegetation removal approved under planning permit P646/2017 has been undertaken, it is also appropriate that the replanting of large and medium trees required as part of this outcome be commenced in the short term. These trees must be protected in any future development on the site.

**Vegetation Retention and Removal**

There is a total of nine established trees located on site that require a permit for removal under the applicable Vegetation Protection Overlay. The VPO3 requires consideration of the vegetation that contributes to the visual amenity and character of the garden suburban area and the preferred character of the Neighbourhood character Precinct (GS3). It should be noted the policy emphasises tree protection and creating of new opportunities for vegetation throughout the site.

The application seeks to protect street tree #1 and five site trees (#2, #3, #6, #7 and #9). There are 2 low retention value trees on the site which are proposed for removal. Tree #5 proposed for removal requires a planning permit. Tree #5 is indicated for retention however due to the declining health of this tree it is recommended for removal by Councils Arborist subject to replacement planting.

**73 DEVON STREET, EAGLEMONT - PROPOSED FOUR DWELLING DEVELOPMENT (P117/2020) cont'd**

Tree protection conditions for neighbouring Trees #11, #12, #13, #14, #15 and #16 can be applied to any permit issued.

Internal and External Amenity

Offsite amenity impacts such as overlooking, overshadowing and noise have been designed in accordance with the ResCode standards. The proposal, subject to conditions, provides for appropriate internal amenity for future residents. A detailed assessment of the internal and external amenity of the development is outlined in the attached Technical Consideration (Attachment 3).

Traffic and parking

The proposed development is provides the number of parking spaces on site required by Clause 52.06 – Car parking of the Banyule Planning Scheme. In addition to this, the application was referred to Council's Traffic Engineering Department which did not raise concerns with respect to traffic congestion.

**OBJECTOR CONCERNS**

The majority of the objector concerns have been addressed in this report, however further discussion is required regarding the following issues:

Precedent

It is a longstanding planning principle that the perception of precedent (e.g. developments resulting in new future developments nearby) is not a matter which can be sustained when assessing an application for planning permit. Each application must be assessed on its own merits in context of its location.

**CONCLUSION**

The site is considered to provide a good opportunity for a multi-dwelling development of this type within an 'incremental' residential area. The proposed development is consistent with the Planning Policy Framework, Council's Residential Neighbourhood Character Policy and complies with Clause 55 of the Banyule Planning Scheme. As such, the application should be supported with appropriate conditions.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Technical Consideration	
2	Advertised Documents	
3	Advertised Plans	
4	Landscape Plan	

## **5.4 1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020)**

Author: Naveen Kumar - Development Planner, City Development

Ward: Griffin

---

### **EXECUTIVE SUMMARY**

Planning permission is sought to extend the existing liquor licence trading hours for the clubhouse at the Ivanhoe Public Golf Course. Originally, the applicant sought to include live music and extended hours up to 12.30am on weekends, however prior to public notice of the application, the proposal was amended to withdraw the live music component and the proposed liquor licence trading hours were reduced to the maximum of 11:30pm on weekends. No changes are proposed to the Licenced (Redline) Area or number of patrons.

A total of sixteen (16) objections have been received during public notification. Amenity concerns regarding intensification of the use as a function centre, live music, noise, overflow car parking and disorderly behaviour were predominantly raised in the objections. One objection has specified concerns about the impact of live music on the local fauna.

A consultation meeting was held and attended by representatives from the Development Planning Team, Councillors, objectors and the applicant. Discussions centred on the objectors concerns regarding the use of the site, deletion of the request for live music and the proposed extension of hours compared to the originally requested trading hours for the liquor licence. No objections were withdrawn as a result of the consultation meeting.

The amenity impacts are not considered to be unreasonable and can also be managed by conditions. Therefore, subject to the conditions relating to even further restrictions on trading hours compared to the reduced amended proposal, limited use of the external area and compliance with noise levels, it is considered that approval should be granted and a Notice of Decision to Grant a Planning Permit issued.

### **RECOMMENDATION**

That Council having complied with Section 52, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P110/2020 for Variation to trading hours for an existing On-Premises Liquor Licence at 1 Vasey Street IVANHOE subject to the following conditions:

#### **Restrictions on use**

**1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE  
HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd**

Liquor trading hours

1. Except with the prior written consent of the Responsible Authority, the sale and consumption of alcohol must only occur between the following hours:

Monday & Tuesday	10:00am - 9:00pm
Wednesday & Thursday	10:00am - 11:00pm
Friday & Saturday:	10:00am - 11:30pm
Sunday:	10:00am - 10:00pm

Good Friday 12 noon – 11:30pm

Anzac day hours

Sunday to Tuesday	12 noon - 10:00pm
Wednesday & Thursday	12 noon – 11:00pm
Friday & Saturday	12 noon - 11:30pm

**ONGOING REQUIREMENTS OF THIS PERMIT**

**Layout Not To Be Altered**

2. The extent of the licenced area shown on the endorsed red line plans must not be altered without the prior written consent of the Responsible Authority.

**Number of Patrons**

3. The total number of patrons at the premises at any one time (including a maximum of 81 patrons in the outdoor seating area) must not exceed 387 except with the written consent of the Responsible Authority.

Use of external area

4. No liquor shall be served or consumed after 11pm in the external area as referred to in the Red Line Area Plan endorsed on 14/12/95 by the Liquor Licensing Commission (or any subsequent endorsed red line area plan).

No Live Entertainment

5. No live entertainment shall be provided in the subject premises except with the written consent of the Responsible Authority.

Background Music

6. Entertainment only in the form of pre-taped background music may be provided for the benefit of patrons of the premises. Highly amplified music must not be played.

No External Sound System or Amplified Equipment

7. Without the prior written consent of the Responsible Authority no form of public address system or sound amplification equipment shall be used on the premises so as to be audible outside the premises.

**1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE  
HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd**

**Neighbour amenity**

8. The amenity of the area must not be adversely affected by the development and/or use, through the:
- (a) The processes carried on;
  - (b) Transport of materials, goods or commodities to or from the land;
  - (c) Appearance of any building, works or materials;
  - (d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (e) Presence of vermin;
  - (f) In any other way.

all to the satisfaction of the Responsible Authority.

**Time Limits**

9. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- The liquor licence trading hours approved by this permit are not commenced within two years of the date of this permit.
  - The use is discontinued for a continuous period of two years.

**PERMIT NOTES**

**N1 Expiry of Permit**

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

- (a) Before the permit expires, or
- (b) Within six months afterwards, or

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.

**N2 Health Approval Required**

Prior to the commencement of the use you are required to obtain the necessary Council Health Department approvals.

**N3 Noise Levels**

Permissible noise levels emanating from the site must comply with the requirements of the State Environment Protection Authority.

**1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd**

**N4 No Additional Signage**

Unless no permit is required under the Planning Scheme, other signs must not be constructed or displayed without a further permit.

<b>Planning Permit Application:</b>	P110/2020
<b>Development Planner:</b>	Mr Naveen Kumar
<b>Address:</b>	1 Vasey Street (previously known as 244 The Boulevard) IVANHOE
<b>Proposal:</b>	Variation in trading hours for an existing On-Premises Liquor Licence
<b>Existing Use/Development:</b>	Ivanhoe Public Golf Course
<b>Applicant:</b>	Leisure Management Services Pty Ltd
<b>Notification (Advertising):</b>	One Sign on site Letters to surrounding properties
<b>Objections Received:</b>	16 (Sixteen)
<b>Ward:</b>	Griffin
<b>Cultural Heritage Management Plan (CHMP) required:</b>	No

**PROPOSAL**

The applicant, Leisure Management Services Pty Ltd, initially sought permission to extend the liquor licence trading hours up to midnight and beyond. The original proposal also included use of live music at the venue.

On 14 May 2020, the proposal was amended to exclude live music from the proposal. A copy of Public Land Manager Consent (PLMC) was also provided which included the amended trading hours for the liquor licence that is considered supportable and appropriate by Council in its role as the Public Land Manager. The applicant agreed to amend the application to reduce the hours in accordance with the reduced hours suggested. The proposed variations to the liquor licence trading hours are outlined in Table 1 below:

Table 1: Variation to trading hours

Days	Existing hours	Proposed hours (as amended)	Change from existing
<b>Monday and Tuesday</b>	10 am - 9 pm	10 am - 9 pm	No change
<b>Wednesday to Saturday</b>	10 am – 11:00 pm	10 am – 11:30 pm	Evening extension by 30 minutes



**1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE  
HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd**

<b>Sunday</b>	10 am - 9 pm	10 am - 11 pm	Evening extension by 2 hours
<b>Good Friday</b>	12 noon – 11:00 pm	12 noon – 11:30 pm	Evening extension by 30 minutes
<b>Anzac Day (Sunday to Tuesday)</b>	12 noon – 9:00 pm	12 noon – 11 pm	Evening extension by 2 hours
<b>Anzac Day (Wednesday to Saturday)</b>	12 noon – 11 pm	12 noon – 11:30 pm	Evening extension by 30 minutes

In general, the proposal seeks to extend liquor licence trading hours by 30 minutes and 2 hours on the days where the existing trading hours allow up to 11 pm and 9 pm respectively.

No changes have been proposed to licence trading hours on Mondays and Tuesdays.

The proposal does not include any changes to the Licenced (Red line) Area or number of patrons.

No buildings and works have been proposed.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**BACKGROUND**

Ivanhoe Public Golf Course has been operating as a community golf facility for over 75 years. The then City of Heidelberg Council undertook a substantial renovation and restoration of the clubhouse in 1994-95.

The Golf Course including the clubhouse has been leased out to external parties from time to time since 1947. The current lease with Leisure Management Services Pty Ltd is valid until year 2034.

The club holds an On-premises liquor licence which did not require a planning permit at the time the liquor licence was applied for in 1994-95. The licence category and the trading hours were specified by the City of Heidelberg after community consultation prior to responding to the Liquor Licensing Commission.

However, due to a change in the categories of liquor licences by the Victorian Commission for Gambling and Liquor Regulation (the VCGLR), this category now requires a planning permit.

**SUBJECT SITE AND SURROUNDING AREA**

## 1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd

Ivanhoe Golf Course is an irregular shaped site of 4.4ha with a west boundary to Irvine Rd, and an east boundary to Burke Road North. To the north, the site is bounded by The Boulevard and the rear of properties along Hardy Terrace, and southern boundary to the Yarra River. The site comprises a mix of river flats and undulating land that rises to the Clubhouse which is located at the termination of Vasey Street.

In a broader and regional context, the Yarra River defines the southern boundary of Banyule City Council and the site forms part of a larger linear recreation reserve which straddles on either side of the river and extends across different Local Government Areas. Similar kinds of uses such as Kew Golf Club (Boroondara CC) exist on the opposite side of the river to the south. Other Golf clubs in the vicinity are Green Acres Golf Club (Boroondara CC) and Latrobe Golf Club (Yarra CC).

Surroundings of the clubhouse are primarily defined by parkland except for the north which is characterised by residential properties. The clubhouse is separated from the residential properties by its carpark which is serviced from Vasey Street.



**Figure 1 : Aerial image of the Ivanhoe Public Golf Course and surrounds**

### **PUBLIC NOTIFICATION**

Public notification of the proposal included one sign erected on the site and notices posted to the owners and occupiers of surrounding properties.

To date, 16 objections have been received from the nearby residents. The following concerns have been raised in the objections:

- Loss of amenity due to traffic movements, overflow parking, noise and associated behaviour if operated at night and with live music;

**1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd**

- Risk of drunk driving;
- Impact of live music on the local fauna;
- Invalid Financial grounds for extension to licence hours;
- Live music would enable use of the venue as function centre; and
- Request that any functions should be limited to Christmas period only.

A significant number of the objections were to the provision of live music at the venue as this was on the original application form but later deleted as part of the amended proposal.

As part of public notification, the original application form was included which indicated that permission for live music was sought. The Section 50A application form to amend the proposal deleting the request for live music was also included but it appears that objectors based their objections, in part, on the original application form.

**CONSULTATION**

A consultation meeting was held with the applicant, 15 residents, Councillors and Council Officers on 17 August 2020.

During the meeting, the following clarifications were provided:

- Live music does not form part of the proposal;
- The proposed hours do not extend until midnight or beyond and the applicant consented modify the requested hours contained within the Public Land Manager Consent.
- Financial grounds are not a valid consideration in assessing the planning application; and
- The proposal is limited to the extension of license trading hours and not the hours of operation for the venue.

The additional concerns shared by the residents at the meeting were:

- Likely increase in the frequency of functions due to extended hours.

Response to these objections has been discussed in Technical Consideration section of the report.

**REFERRAL COMMENTS**

<b>Internal</b>	<b>Objection</b>	<b>Conditions /Comments</b>
Environmental Health	No	Council's Environmental Health Unit does not have any records or past history of any noise issues with the premises. The unit has advised they have no objection to the proposal subject to

**1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd**

		conditions to contain noise including any amplified music.
Traffic Enforcement	No	Council's Traffic Enforcement Unit does not have any records or history of any traffic complaints associated with the use. The unit has advised that they have no objection to the proposal.
Property Services	No	Council's Property Services Unit have advised that they have no objection to the proposal subject to hours prescribed in PLMC.
Major Facilities	No	Council's Major Facilities has advised that they have no objection to the proposal.

**PLANNING CONTROLS**

Table 3 provides outline of the applicable planning controls to the site:

Table 3: Relevant Planning Controls

<b>Control</b>	<b>Clause</b>	<b>Permit Triggered</b>
Public Park and Recreation Zone (PPRZ)	36.02	No
Environment Significance Overlay (ESO 1, ESO4)	42.01	No
Significant Landscape Overlay (SLO1)	42.03	No
Heritage Overlay (HO185)	43.01	No
Land Subject to Inundation Overlay (LSIO)	44.04	No
Car parking	52.06	No
Native Vegetation	52.17	No
Licensed Premises	52.27	Yes

**POLICIES CONSIDERED**

Table 4: Policies considered

<b>Policy</b>	<b>Clause</b>
<b>PPF</b>	
Regional and Local Places	11.03-6S
Noise abatement	13.05-1S
Land use compatibility	13.07-1S
Economic Development	17
Cultural facilities - Metropolitan Melbourne	19.02-3R
<b>LPPF</b>	
Land Use	21.04
Local Places	21.08

## 1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd

### TECHNICAL CONSIDERATION

#### Response to Policy Framework

The proposal is considered to be an appropriate response to the State and Local Planning Policy Frameworks. The policy framework generally seeks to achieve the following:

- Maintain and strengthen cultural and community facilities;
- Ensure that use or development of land is compatible with surrounding uses; and
- Ensure community amenity is not compromised due to any offsite impacts such as noise.

#### Clause 52.27 Licensed Premises

The decision guidelines of the clause require the Responsible Authority to consider the impact of the proposed changes including any cumulative impact of the licensed premises on the amenity of the surrounding area.

The subject use is operating from the site for a considerable amount of time with no previous history of complaints. The use has been operating from the site responsibly despite no restrictions relating to the hours of operation under the lease. Technically, the current lease arrangement does not restrict the clubhouse from operating for longer hours and as a function centre. An order by the Administrative Appeals Tribunal (Appeal no 1995/23076) dated 1 November 1995 acknowledged existing use rights of the clubhouse as a function centre.

Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use. Noting that the other golf courses such as Kew Golf Club and Green Acre Golf Club can operate until midnight and beyond, it is suggested that the proposed changes to licence trading hours is not unreasonable and would support the premises remaining competitive with these other clubs.

#### Amenity Impacts

The community's concerns related to noise during weekdays and Sunday for extended hours. It is considered that in addition to conditions relating to the control of noise from the premises, the liquor licence trading hours should be restricted to the following hours to strike a balance between the community expectations and the policy objective to strengthen the cultural and recreational facilities:

Table 5 Recommended Hours

Days	Existing hours	Recommended hours	Change
<b>Monday and Tuesday</b>	10:00 am – 9:00 pm	10:00 am – 9:00 pm	No change to existing
<b>Wednesday and Thursday</b>	10:00 am – 11:00 pm	10:00 am – 11:00 pm	No change to existing
<b>Friday and Saturday</b>	10:00 am – 11:00 pm	10:00 am – 11:30 pm	Extension by 30 minutes

**1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE  
HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd**

<b>Sunday</b>	10:00 am – 9:00 pm	10:00 am – 10:00 pm	Extension by 1 hour
<b>Good Friday</b>	12 noon – 11:00 pm	12 noon – 11:30 pm	Extension by 30 minutes
<b>Anzac Day (Sunday to Tuesday)</b>	12 noon – 9:00 pm	12 noon – 10:00 pm	Extension by 1 hour
<b>Anzac Day (Wednesday and Thursday)</b>	12 noon – 11:00 pm	12 noon – 11:00 pm	No change to existing
<b>Anzac Day (Friday and Saturday)</b>	12 noon – 11:00 pm	12 noon – 11:30 pm	Extension by 30 minutes

The current liquor licence allows for a total of 387 patrons of which the maximum of 81 patrons can use the external deck/verandah area to the west of the reception area. In order to minimise any potential impacts a condition is recommended to restrict the use of the external area after 11pm.

The proposal is unlikely to cause any increase in number of patrons. Therefore, the vehicular movements are not anticipated to vary significantly due to the proposed trading hours.

Impact on Fauna

It is considered that the proposal does not warrant any assessment for native fauna as the noise levels will be managed by planning permit conditions.

Behaviour issues

There is no history of poor behaviour associated with the use of the premises and it is not expected that there will be any significant behaviour issues associated with patrons attending for the proposed extended hours given the type of land use. Behaviour is also a matter that can be managed under the liquor licence conditions.

Intensification of function centre

Concerns were raised that the use of the function centre will intensify due to the increased trading hours. Considering operating hours of the clubhouse are not restricted and that the subject use does not have history of non-compliance, the recommended liquor licence hours are not considered unreasonable. No adverse impacts on the amenity of the area are foreseen as the proposal neither involves any increase in licenced (red line) area nor does it propose any increase in maximum number of patrons. Any further restrictions on the use may contradict the existing use rights of the subject site.

**CONCLUSION**

It is considered that proposed liquor licence trading hours align with the policy objective of strengthening local community and recreational facilities. The proposed conditions of the approval can address potential amenity impacts which may occur as a result of the proposal noting the liquor licence trading hours have been amended. On balance, it is considered that the proposal should be supported subject to the conditions.

**ATTACHMENTS**

**1 VASEY STREET, IVANHOE EAST - AMENDMENT TO LIQUOR LICENCE  
HOURS AT IVANHOE PUBLIC GOLF COURSE (P110/2020) cont'd**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Advertised Documents and Plans - P110/2020 ( <i>Under Separate Cover</i> )	
2	Existing On-premises Liquor Licence	





## 6.1 **BANYULE COMMUNITY ENGAGEMENT POLICY 2020 (FOR ADOPTION)**

Author: Bridget Ruff - Integrated Planning Project Manager, Corporate Services

---

### **EXECUTIVE SUMMARY**

It is a requirement of the *Local Government Act 2020* that councils develop and adopt a Community Engagement Policy, and in turn that the Community Engagement Policy is utilised to inform engagement plans that support the development of Council's key strategic and financial planning documents (at a minimum).

For several months Council has been working collaboratively with community and stakeholders to develop the draft Banyule Community Engagement Policy 2020 (The Draft Policy).

The draft Policy will replace Council's existing Community Engagement Framework that has guided our work in this space to date.

In July 2020 Council resolved to release the Draft Policy for public exhibition for the four-week period 28 July- 25 August 2020.

Throughout the public exhibition period the draft Policy, along with supporting contextual information was available for review on Shaping Banyule. The opportunity to participate in the final review process was widely promoted via avenues such as social media feeds, Banyule Council website content along with a promotional article in the Banner August edition, distributed to all Banyule households.

Over 200 views of the document occurred during the four-week period, demonstrating a strong community interest in community engagement and Council's commitment and approach to planning and undertaking quality and meaningful community engagement.

Overall feedback received was positive and evidences community support of the Policy.

Feedback received did not necessitate alterations to the draft Policy. However, points raised within the feedback are important when considering Policy implementation/community engagement practise, particularly the promotion of engagement opportunities.

### **RECOMMENDATION**

That Council:

1. In accordance with the *Local Government Act 2020*, adopts the final draft Banyule Community Engagement Policy (attached).

**BANYULE COMMUNITY ENGAGEMENT POLICY 2020 (FOR ADOPTION) cont'd**

2. Notes the Community Engagement Policy strengthens Council's commitment to the provision of responsive, accessible and meaningful community engagement in order to inform decisions and deliver quality outcomes in partnership with the community.
3. Notes that the Community Engagement Policy will be utilised to inform engagement plans that support the development of Council's key strategic and financial planning documents, as specified within the *Local Government Act 2020*.

**COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Engage meaningfully with our community and encourage participation".

**BACKGROUND**

Community engagement is how Council connects with community to develop and implement policies, programs and services that work towards positive outcomes for individuals and the wider community.

Transparent and well managed community engagement is essential. Not only does it enable people to have a say on matters that are important to them and actively participate in decision making, but by working together to understand needs, problems and risks and craft solutions, together community and Council can continually build a better Banyule.

The purpose of the final draft Community Engagement Policy is to document and communicate our commitment to, principles for and practice approach to the provision of high-quality community engagement that is valued by the community and stakeholders.

Our community engagement commitment is to:

- Encourage trust, goodwill and respect between Council, community and stakeholders,
- Inform, involve and engage our community and stakeholders and develop processes to encourage community participation in shaping and influencing decisions affecting them; and
- Promote and practice good governance through accountability, transparency and responsiveness.

Together with our Community Engagement Toolkit, an internal resource, the final draft Policy, provides guidelines, advice and resources for designing, promoting and delivering strategic and statutory engagement opportunities and for the use and sharing of community engagement findings.

The final draft Policy has been developed based on community and stakeholder input, research, subject matter expertise, consideration to industry standards and community expectations.

**BANYULE COMMUNITY ENGAGEMENT POLICY 2020 (FOR ADOPTION) cont'd**

It aligns with:

- Victorian Local Government Act 2020 (sections 55 and 56)
- Victorian Auditor General's Office Better Practice Guide: Public Participation in Government Decision-making
- International Association of Public Participation Spectrum

**LEGAL CONSIDERATION**

Development and adoption of a Community Engagement Policy is a requirement of the Local Government Act 2020 (the Act).

**Part 3 – Council decision making**

**Division 1 – Community accountabilities**

Section 55 - Community engagement policy and

Section 56 - The community engagement principles

**HUMAN RIGHTS CHARTER** In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities. The final draft Community Engagement Policy enhances human rights by guiding how Council will engage with the community and consider barriers to people's participation. In particular, the Policy enhances the rights of people to participate in public life.

**CURRENT SITUATION**

The final draft Banyule Community Engagement Policy 2020 will supersede the current Banyule Community Engagement Framework 2017 that has guided Council's work within the community engagement space for the past three years.

**FUNDING IMPLICATIONS**

There are no funding implications associated at this stage in the development of the final draft Community Engagement Policy.

Implementation and engagement activity developed in accordance with the final draft Policy will be funded through existing budget and resourcing processes.

**POLICY IMPLICATIONS**

It is a requirement of the Local Government Act that councils adopt and utilise a Community Engagement Policy to guide the development of engagement plans that are used, at a minimum, to inform key Council strategic and financial planning documents.

**CONSULTATION**

A comprehensive engagement program was undertaken to inform the development of the draft final Community Engagement Policy 2020.

Community consultation as a component of the annual Council Plan Engagement Program in 2019, 2018 and 2017 was undertaken; involving interactive consultation stations at community events such as Malahang Festival, Carols by Candlelight and

**BANYULE COMMUNITY ENGAGEMENT POLICY 2020 (FOR ADOPTION) cont'd**

Movies on the Move, along with on line surveys on Shaping Banyule. Throughout these activities the views of over 3100 individuals were captured.

Consultation to inform the draft Policy also included Councillor engagement, an internal survey, workshops and working groups with key Council officers.

Public exhibition of the draft Community Engagement Policy was the last activity within the engagement program. The period provided opportunity for community to review the draft document prior to consideration for adoption by Council.

Whilst on public exhibition 204 views of the Policy and supporting contextual information occurred. Of those viewing the material, three individuals provided submissions stating that they do not support the draft Policy. The remainder of submissions (6), stated that they do support it.

Verbatim submissions received during public exhibition are at Attachment 2 to this report.

Thematic representation of the feedback received during public exhibition and how we are responding to this information is noted below.

The most frequently identified theme, raised by 3 of respondents, was the need to ensure adequate promotion of engagement opportunities is undertaken.

<b>Supportive of Policy</b>	<b>Commentary Theme</b>	<b>Response/Action</b>
Yes 67% (count 6)	Increase promotion of engagement opportunities	To be actioned at implementation e.g. as per needs of individual projects.
	Increase transparency particularly around ongoing engagement avenues e.g. Council meetings	Governed by Public Transparency Policy, referred to relevant Officer.
	Congratulations and pleased with commitment and practise	Maintain practise and strive to continually enhance.
No 33% (count 3)	Community engagement is a waste of rate payers' money	Continue to communicate importance of community engagement and why it is undertaken.
	Increase accessibility for culturally and linguistically diverse communities.	To be actioned throughout implementation, both as per needs of individual projects and by investigating and actioning avenues for increasing the promotion of translation services e.g. on all promotional material and Shaping Banyule pages.

The community feedback received does not necessitate alterations to the draft Policy, however it does provide valuable points for consideration throughout the implementation of the Policy and subsequent community engagement practises, particularly in relation to the promotion of engagement opportunities.

## **BANYULE COMMUNITY ENGAGEMENT POLICY 2020 (FOR ADOPTION) cont'd**

During the public exhibition period, Local Government Victoria released guidance material on deliberative engagement. Core values and principles within our final draft Policy are in alignment with the guidance material and a note regarding this has been added to Section 2.2. Community Engagement Principles. No change to our core values or principles was required.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

### **CONCLUSION**

The purpose of the final draft Banyule Community Engagement Policy is to document and communicate Banyule's commitment to, principles for and practice approach to the provision of high-quality community engagement that is valued by the community and stakeholders.

It is a requirement of the Local Government Act that councils develop and adopt a Community Engagement Policy by March 2021, and that the Policy is utilised to inform engagement plans that support the development of Council's key strategic and financial planning documents.

Via the adoption and subsequent implementation of the final draft Community Engagement Policy, Banyule will be well positioned to strengthen and enhance our current community engagement practises and in doing so, strive to enhance community empowerment, relationships and outcomes.

### **ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Final Draft Banyule Community Engagement Policy 2020	
2	Community Engagement Policy Public Exhibition Report Verbatim Comments	



## 7.1 COUNCIL MEETING DATES 2021

Author: Emily Outlaw - Council Business Team Leader, Corporate Services

### EXECUTIVE SUMMARY

In accordance with *The Local Government Act* and Council's *Governance Rules* (adopted 17 August 2020), Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Unscheduled Meeting (previously known as Special Meeting).

To assist in forward planning, dates for the next year are generally determined in each August/September the year before. The dates and venues of Council Meetings are published in the Council Calendar, Banner and Council's website.

The proposed dates for 2021 are based on a meeting every 3 weeks, and take into consideration Public Holidays, the legislative requirements for the Budget and Council Plan timetable, the Election of Mayor, and the Australian Local Government Association (ALGA) National General Assembly dates.

For 2021, it is recommended that all Council Meetings be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe after the completion of the Ivanhoe Library and Cultural Hub.

The purpose of this report is to consider and approve a schedule of meeting dates for the Council Meetings for 2021. Council may by resolution amend these dates.

### RECOMMENDATION

That Council Meetings commence at 7.00pm, and the dates for 2021 be as follows:

Month	Date (Monday)
February	8
March	1 22
April	12
May	3 24 26 – Unscheduled, Wed (Consideration of Budget & Council Plan Submissions only)
June	7 28
July	19
August	9 30
September	20

## COUNCIL MEETING DATES 2021 cont'd

October	4 25
November	8 (Mayoral Election only) 15
December	6

## COUNCIL PLAN

This report is in line with Banyule's Council Plan key direction to "Provide good governance and be accountable".

## BACKGROUND

Decision making is an important part of Local Government. Key decisions are made at Council Meetings.

At Banyule, Council meetings are held at 7.00pm on Monday evenings, generally on a three-weekly basis.

Public Question Time commences at the conclusion of the Council Meeting after all non-confidential items on the Agenda have been considered. Confidential items are considered after Public Question Time, once the Meeting has been closed to the public.

Temporary amendments to public participation were implemented during the 2020 Victorian restrictions and it is anticipated that participation will continue as it had previously outside of these restrictions.

The Mayoral Election must be held after the 4<sup>th</sup> Saturday in October, but not later than 30 November each year. A meeting for the Mayoral Election in 2021 has been proposed for Monday, 8 November 2021.

## LEGAL CONSIDERATION

Pursuant to s 60 of the *Local Government Act 2020* (the Act), Council is required to adopt and apply Governance Rules which describe the way it will conduct Council meetings and make decisions.

The Rules outline the requirements to set Ordinary and Unscheduled Meetings (previously Special Meetings), the procedures for Council Meetings and set the rules of behaviour for those participating and present at the meeting. They also outline the process for the appointment of the Mayor and Deputy Mayor.

## HUMAN RIGHTS CHARTER

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues.



## **COUNCIL MEETING DATES 2021 cont'd**

### **DISCUSSION**

The proposed Council Meeting dates have been scheduled taking into consideration the Victorian Public Holidays for 2021, the legislative requirements for the Budget and Council Plan timetable and the expected dates for the Australian Local Government Association (ALGA) National General Assembly, which a number of Banyule Councillors have attended in the past. With four Public Holidays occurring on Mondays in 2021, this has also impacted on the dates.

The Ordinary Meetings have been scheduled on a three-weekly basis, with the exception of the meetings scheduled for 7 June, 4 October and 8 November (Mayoral Election), which are 2 weeks after the meetings preceding.

One stand-alone Council meeting has been proposed to accommodate hearing of submissions for the Council Plan and Budget (if required). This was a Special Meeting this year, however, Special Meetings no longer exist in the new Act. The Governance Rules incorporate similar provisions to Special Meetings but are now called Unscheduled Meetings. This meeting has been scheduled on a Wednesday, during the same week as a scheduled Ordinary meeting.

For 2021 it is recommended that all Council Meetings be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe, following completion of the Ivanhoe Library and Cultural Hub.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

### **CONCLUSION**

Council currently conducts Ordinary Council meetings at 7.00pm on a three-weekly basis.

The proposed dates for 2021 allows for 17 Ordinary Council meetings including the Mayoral Election, plus one (1) Unscheduled Meeting for the Council Plan and Budget.

Following completion of construction of the Ivanhoe Library and Cultural Hub, and refurbishment of the Council Chambers, it is proposed that the Council meetings for 2021 can take place at 275 Upper Heidelberg Road, Ivanhoe.

### **ATTACHMENTS**

Nil

## **7.2 AWARD OF CONTRACT NO 1063-2020 "CONSTRUCTION OF LOWER PLENTY PAVILION"**

Author: Alvin Lau - Project Engineer, Assets & City Services

---

### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1063-2020 for "Construction of Lower Plenty Pavilion".

Council sought Tenders from suitably qualified and capable contractors to undertake construction of the renovation and extension to the existing Lower Plenty Pavilion improving female-friendly amenities to increase female participation in AFL & Cricket.

Tenders were received from twelve (12) contractors prior to the closing date.

The Tender Evaluation Panel (TEP) recommends that Council award Contract No 1063-2020 "Construction of Lower Plenty Pavilion" for the lump sum price of \$854,738.00 (ex GST) to Harris HMC Interiors (Vic) Pty Ltd in accordance with the tender and conditions as determined by Council.

### **RECOMMENDATION**

That:

1. The Contract No. 1063-2020 for "Construction of Lower Plenty Pavilion" be awarded to Harris HMC Interiors (Vic) Pty Ltd for the lump sum price of \$854,738.00 (ex. GST).
2. The Director of Assets & City Services be authorised to sign the contract and any other associated documents.

### **COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Deliver best value services and facilities".

### **BACKGROUND**

This report is to consider the awarding of Contract No 1063-2020 for "Construction of Lower Plenty Pavilion".

The Tender was advertised in the local government tender section of The Age newspaper on Saturday 11 July 2020 and closed on Wednesday 5 August 2020.

As part of the 2020/21 financial year Capital Works program, Council is proposing to renovate & extend Lower Plenty Pavilion to meet current Female Friendly guidelines. The works generally comprise of amenity improvements to deliver a more gender

**AWARD OF CONTRACT NO 1063-2020 "CONSTRUCTION OF LOWER PLENTY PAVILION" cont'd**

equitable and inclusive environment to accommodate the growing demand for female participation in sport. Historically, sporting facilities have been designed primarily to meet the needs of male participants.

In 2018, Sports & Recreation Victoria (SRV) announced a \$1,000,000 funding for the project.

Thirty-seven (37) prospective companies downloaded the tender document from Council's website and twelve (12) contractors submitted their tenders by the closing date.

**LEGAL CONSIDERATION**

Section 186 of the *Local Government Act 1989* (Act) requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than:

- \$150,000 (including GST) for contracts for the purchases of goods or services; or
- \$200,000 (including GST) for contracts for the carrying of works.

These thresholds have been set in alignment with the thresholds that apply to State Government and are reviewed from time to time. The threshold for the 'carrying out of works' was set by Ministerial Direction by order in Council dated 5 August 2008.

The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989*.

Additional confidential information is contained in Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 77(2)(c) of the *Local Government Act 1989* and Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

**BANYULE PROCUREMENT POLICY**

Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*.

The purpose of this Policy is to:

- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and

**AWARD OF CONTRACT NO 1063-2020 "CONSTRUCTION OF LOWER PLENTY PAVILION" cont'd**

- increase the probability of obtaining the right outcome when purchasing goods and services.

The Act and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.

The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

**HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues.

**TENDER EVALUATION**

All tenders were evaluated using the following evaluation criteria, which was listed in the tender document:

- Tender Price.
- Previous performance, experience and reliability in the provision of similar types of projects and previous performance in delivery of contracts or purchase orders directly with Banyule City Council (if applicable);
- Qualifications and experience of nominated staff including experience of nominated sub-contractors and CV's.
- Existence of an accredited management system and procedures; covering quality, OH&S and environmental performance.
- Demonstration of Social and Economic Sustainability.
- Any other information which the Council may deem to be relevant.

The tenders were evaluated by the Tender Evaluation Panel (TEP) comprising of officers from Capital Projects and Procurement Units.

Prior to receiving the tenders, the tender evaluation panel convened to set the weightings for each of the evaluation criteria and establish how the tenders would be evaluated using the weighted evaluation matrix. A tender evaluation plan was developed and signed by all panel members.

The tender submission includes a requirement for the contractor to complete a questionnaire which seeks clarifications on how they have included/considered sustainable procurement aspects of the contract which covers, Environmental, Economic and Social Sustainability. The TEP assesses this information as part of the weighted score for each tenderer and this forms part of the overall evaluation and recommendation for awarding of the contract.

During the initial opening of tenders, the six (6) highest priced submissions were excluded from further consideration. Based on all tendered prices and with the agreed weightings structure they would not have a realistic chance of success. The Tender Evaluation Plan contains provision to shortlist tenderers based on price.

**AWARD OF CONTRACT NO 1063-2020 "CONSTRUCTION OF LOWER PLENTY PAVILION" cont'd**

The TEP individually scored the tenders and then a tender evaluation panel meeting was held to agree on the consensus scores. The weighted score for the tender was:

<b>Table 1 – Tenders received and weighted scores</b>	
<b>Contractor</b>	<b>Weighted Score</b>
Harris HMC Interiors (Vic) Pty Ltd	85.95
Tenderer 2	83.10
Tenderer 3	82.24
Tenderer 4	81.81
Tenderer 5	76.31
Tenderer 6	69.68

In undertaking the assessment, all members of the TEP completed and signed the Conflict of Interest and confidentiality declaration.

Based on the initial scores the TEP shortlisted Harris HMC Interiors (Vic) Pty Ltd, as the highest scoring tender.

A post tender interview was held on Wednesday 26 August 2020 where further clarifications were sought to discuss their capability, past performance to the satisfaction of the TEP.

As a corporate scorecard was conducted on Harris HMC Interiors (Vic) Pty Ltd in October 2019, it is not required for this project. The assessment returned a "pass" and "sound" result.

**FUNDING IMPLICATIONS**

The project has been included in the 2020/21 capital works budget. Sports & Recreation Victoria has provided a grant of \$1,000,000 which will fund the project.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**CONCLUSION**

As a result of the tender evaluation, the Tender Evaluation Panel recommends that Council award Contract No. 1063-2020 "Construction of Lower Plenty Pavilion" to Harris HMC Interiors (Vic) Pty Ltd for the lump sum price of \$854,738.00 (ex GST).

**AWARD OF CONTRACT NO 1063-2020 "CONSTRUCTION OF LOWER PLENTY PAVILION" cont'd**

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	1063-2020 - Tender Evaluation Sheet - <b>CONFIDENTIAL</b>	

## **7.3 AWARD OF CONTRACT NO. PA 2206-0221 FOR "SUPPLY OF FLEET SERVICES AND CONSUMABLES"**

Author: David Walczak - Fleet Co-ordinator, Assets & City Services

---

### **EXECUTIVE SUMMARY**

This report is to consider signing up to Procurement Australia (PA) Contract "PA 2206-0221" for the 'Supply of Fleet Services and Consumables'. PA have recently undertaken a public tender process combining a number of services on behalf of Victorian Councils.

Council currently utilises two PA contracts to purchase a range of automotive spare parts and services. These contracts have now been replaced with one PA contract that includes the following service categories:

- Automotive Accessories;
- Automotive Spare Parts;
- Automotive Batteries;
- Fleet Management Services;
- Lubricants, Fluids, Greases and Coolants;
- Tools and Workshop;
- Tyres; and
- Vehicle Disposal Services.

The Tender Evaluation Panel has recommended acceptance of the PA contract in the categories and with a range of suppliers. Procurement Australia provide the Head Agreement through this contract and Council will utilize the services of the contractors under this agreement by managing the day to day administration and documentation of purchases.

### **RECOMMENDATION**

That:

1. Council sign up to Procurement Australia Contract 2206-0221 for the Supply of Fleet Services and Consumables.
2. The Director of Assets and City Services be authorised to sign the contract and any other associated documents.
3. The Director of Assets and City Services be authorised to award extensions of this Contract, subject to successful Contractor's performance and Council's business needs, at the conclusion of the initial 2-year Contract Term.

**AWARD OF CONTRACT NO. PA 2206-0221 FOR "SUPPLY OF FLEET SERVICES AND CONSUMBALES" cont'd**

**COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to *"plan and manage the systems and assets that support Council's service delivery"*.

**BACKGROUND**

Council currently utilises two Procurement Australia (PA) contracts to purchase a range of automotive spare parts and services. Community Programs also utilised these contracts for hire of mini buses for community aged excursions and events.

In accordance with Section 186 of the Local Government Act 1989, Council are signatories to PA contracts 1807-2019 for Fleet Consumables and 1811-2020 for Fleet Services. Council has chosen to become signatories to PA and utilise these contracts since these contracts offer competitive rates and ensure that low value and high volume purchases remain controlled through a contractual arrangement.

These current PA contracts are due to expire 30 June 2020 and 30 November 2020 respectively. PA have recently undertaken a new public tender process combining most of these services on behalf of Victorian Councils. Short term rentals are not included in the new contract. Note, the new contract will run concurrently with 1811-2020 until that contract expires.

The new contract includes the following service categories:

1. Automotive Accessories;
2. Automotive Spare Parts;
3. Automotive Batteries;
4. Fleet Management Services;
5. Lubricants, Fluids, Greases and Coolants;
6. Tools and Workshop;
7. Tyres; and
8. Vehicle Disposal Services.

The new contract period is from 1 July 2020 for an initial period of two (2) years expiring 30 June 2022 with an extension option for a further 2 extension periods of 12 months each, taking the final expiry to 30 June 2024.

Thirty-five (35) companies downloaded the tender documents and twenty-seven (27) contractors submitted their tenders by the closing date.

**LEGAL CONSIDERATION**

Section 186 of the *Local Government Act 1989 (Act)* requires councils to undertake a competitive process to test the market by giving public notice and invite tenders before entering into a contract when the value of the contract is equal to or greater than:

- \$150,000 (including GST) for contracts for the purchases of goods or services;
- or



**AWARD OF CONTRACT NO. PA 2206-0221 FOR "SUPPLY OF FLEET SERVICES AND CONSUMBALES" cont'd**

- \$200,000 (including GST) for contracts for the carrying of works.

These thresholds have been set in alignment with the thresholds that apply to State Government and are reviewed from time to time. The threshold for the 'carrying out of works' was set by Ministerial Direction by order in Council dated 5 August 2008.

The awarding of this contract complies with the tendering provisions of Section 186 of the *Local Government Act 1989*.

Additional confidential information is contained in Attachment 1, as circulated in the confidential section of the agenda attachments. The information is designated as Confidential Information in accordance with Section 77(2)(c) of the *Local Government Act 1989* and Section 66(2)(a) of the *Local Government Act 2020* (as amended); as it contains confidential information relating to private commercial information being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

**BANYULE PROCUREMENT POLICY**

Council's Procurement Policy is made under Section 186A of the *Local Government Act 1989*.

The purpose of this Policy is to:

- provide policy and guidance to the Council to allow consistency and control over Procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- increase the probability of obtaining the right outcome when purchasing goods and services.

The Act and the Procurement Policy of Council are the primary reference points for how all procurement should be performed.

The process for inviting quotations and evaluation was undertaken in accordance with the Policy.

**HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues.

**TENDER/QUOTATION EVALUATION**

**AWARD OF CONTRACT NO. PA 2206-0221 FOR "SUPPLY OF FLEET SERVICES AND CONSUMBALES" cont'd**

The tenders were assessed on the criteria and weightings listed below:

- Technical Criteria
  - Compliance (compliance with insurance, terms and conditions of tender and contract)
  - Professional Competence (experience, satisfaction of range, local manufacturing capability, quality practices and customer focus)
  - Corporate Governance & Social Responsibility (Corporate governance, social impact, environment impact and workplace practices)
- Price

Of the 27 companies that submitted bids four tenders were deemed non-compliant and were excluded from further evaluation.

**Banyule City Council Requirements**

Becoming signatories to this contract will assist Council staff with the procurement process as this category comprises of low value amounts combined with high-volume purchases, which results in significant spend over the life of the contract. The contract offers competitive rates and ensures that ad-hoc spend is under contract.

Council intends to select the following categories to cover the anticipated requirements, however reserve the right to engage suppliers under other categories on the panel if, and when required.

- Category 1 - Automotive Accessories;
- Category 2 - Automotive Spare Parts;
- Category 3 – Automotive Batteries;
- Category 5 – Lubricants, Fluids, Greases & Coolants;
- Category 6 – Tools & Workshop;
- Category 7 – Tyres; and
- Category 8 – Vehicle Disposal Services.

One of the suppliers (supplier to categories 1,2,3 & 6) are in West Heidelberg which meets Council's local sustainability criteria, while all other suppliers awarded under the nominated categories provide services in the Melbourne metropolitan area.

Procurement Australia provide the Head Agreement through this contract with their tenderers. Council will utilize the services of the tenderers under this agreement and will manage the day to day administration and documentation of purchases in line with Council's Policy and Guidelines for the duration of this contract. Once this contract is approved, contracts section will inform each of the suppliers in Attachment A that their services may be required under the terms of their contract with Procurement Australia and they will be entered into Council's purchasing system.

In undertaking the assessment, all members of the Tender Evaluation Panel completed and signed the Conflict of Interest and confidentiality declaration.

**AWARD OF CONTRACT NO. PA 2206-0221 FOR "SUPPLY OF FLEET SERVICES AND CONSUMBALES" cont'd**

**FUNDING IMPLICATIONS**

Council has an annual budget for the anticipated spend through this contract, based on previous contract spend data of \$540,000 over the life of the contract.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**CONCLUSION**

Based on the analysis of the suppliers available in each required category, along with the overall ranking of tendered responses by PA, the Evaluation Panel recommend that Council becomes a signatory to Procurement Australia Contract 2206-0221 for the Supply of Fleet Services and Consumables.

Utilisation of this contract will provide best value for money as well as eliminating the requirement for Council to undertake a public tender process for these services which is a value added benefit, saving time and Council resources.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Attachment A - Details of Suppliers to PA Contract - <b>CONFIDENTIAL</b>	

## **7.4 CERTIFICATION OF THE FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2020**

Author: Stephen Coulthard - Financial Accounting Co-ordinator, Corporate Services

---

### **EXECUTIVE SUMMARY**

Council is required to complete and forward to the Minister for Local Government its Annual Report by 30 September each year. This year due to COVID-19, this date has been extended by two months to 30 November 2020.

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 2019/20.

The Financial Statements and Performance Statement are subject to external audit by the Victorian Auditor General or their contracted agent. The detailed audit of the Financial Statements and Performance Statement for the year ended 30 June 2020 was undertaken by an agent of the Victorian Auditor General during August 2020.

The Audit Committee held its meeting on 18 September 2020 to review the Financial Statements and Performance Statement for the year ended 30 June 2020. 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
- the date of the meeting of Council to consider the Annual Report.

It is recommended that the Annual Financial Statements and Performance Statement be approved 'in principle' for submission to the Auditor and forwarded to the Minister of Local Government.

**CERTIFICATION OF THE FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2020 cont'd**

**RECOMMENDATION**

That Council:

1. Approve 'in principle' the Financial Statements and the Performance Statement for the year ended 30 June 2020.
2. Authorise its Councillor representatives on the Audit and Risk Committee and in their absence any other Councillor as substitute, to sign the Financial Statements and Performance Statement for the year ended 30 June 2020 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 2019/20, inclusive of the Report of Operations, Financial Statements and Performance Statement at the Special Council Meeting.
5. Forward a copy of the 'in principle' Annual Report 2019/20 to the Minister on or before 31 November 2020.
6. Give Public Notice:
  - a) of the availability of the report of the auditor under Section 10 of the Audit Act 1994
  - b) of the Annual Report to be considered at the Council Meeting on 23 November 2020.

**COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Provide responsible financial management and business planning".

**BACKGROUND**

**Annual Report**

Council prepares a report for the community annually on the activities and financial performance of the organisation and is required by the *Local Government Act 1989* to prepare this Annual Report.

The Annual report comprises:

- **Report of Operations** - information about the operations of the Council.
- **Performance Statement** - audited results achieved against the prescribed performance indicators and measures.
- **Financial Statements** - audited financial statements prepared in accordance with the Australian Accounting Standards.

The report of operations is a key section of the Annual Report whereby Council makes itself accountable to the community and contains information about the performance of the Council for the financial year. During an election year and in accordance with Local Government Victoria (LGV) advice on election period

**CERTIFICATION OF THE FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2020 cont'd**

protocols, the publicly available version leading up to and during the election period (care taker) is an amended version with certain material removed. i.e. The Year in review and Mayor and CEO message are not included and Councillors photos and descriptions.

The Financial Statements and Performance Statement are subject to external audit by the Victorian Auditor General and must be submitted to the Minister for Local Government within three-months of the end of the financial year. In 2020, due to COVID-19 this timeline has been extended for two months to 30 November 2020.

Section 132 of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014 require Council to:

- 1) Pass a resolution giving its approval, 'in-principle', to the financial Statements and Performance Statement before they are submitted to the Auditor General.
- 2) Authorise two Councillors, the Chief Executive Officer and the Principal Accounting Officer to certify the Financial Statements and Performance Statement in their final form, after any changes recommended, or agreed to, by the Auditor have been made.

The Performance Statement reports the audited results for 2019/20 for the prescribed indicators. In addition to the audited Performance Statement, the results for a range of other indicators are reported in the Report of Operations as part of the Annual Report.

Prior to submission to the Minister, the Financial Statements and Performance Statement are required to be audited by the Victorian Auditor General. This audit was undertaken by the Victorian Auditor General during August 2020.

The annual report must contain the provisions set out in Section 131 of *Local Government Act 1989* in respect of the financial year reported on.

After the annual report has been submitted to the Minister, Council is required to give public notice, in accordance with Section 134(2) of the *Local Government Act 1989*, that the annual report has been prepared and can be inspected on the Council's internet website.

The annual report incorporating the audited financial statements and performance statement are required to be certified by Council's Principal Accounting Officer and by two Councillors on behalf of the Council prior to the Council's Auditor signing the Audit Report. The annual report will then be forwarded to the Minister.

**Audit and Risk Committee**

The Audit and Risk Committee held its meeting on 18 September 2020, to review the Report of Operations, Financial Statements and Performance Statement.

Representatives from the agent of the Victorian Auditor General's Office attended the Audit Committee meeting on 18 September 2020 to provide the Audit Committee members with an overview and answer questions regarding the external audit.

## **CERTIFICATION OF THE FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2020 cont'd**

Subject to formal audit clearance by the Victorian Auditor General's Office, the Audit Committee recommends to Council that it approves the Financial Statements and Performance Statement 'in principle'.

### **Public Notice**

After the annual report has been submitted to the Minister, Council is required to give public notice that the annual report has been prepared and can be inspected on the Council's website. A hardcopy of the annual report would normally be available at Council Service Centres, however, due to the current restrictions this will not be possible.

The public notice will be placed in 'The Age' newspaper and on Council's website after the annual report is submitted to the Minister to give the mandatory minimum fourteen (14) days' notice in accordance with Section 134(2) of the *Local Government Act 1989*.

The notice will detail the availability of the Annual Report and Audit Reports for inspection and notice of the meeting of Council on 23 November 2020.

Due to COVID-19 restriction the document will only be available for inspection via Council's website.

### **LEGAL CONSIDERATION**

There are no direct legal implications arising from the recommendation contained in this report.

### **HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

Section 80C of the *Local Government Act 1989* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

### **CONCLUSION**

The Financial Statements and Performance Statement have each been:

- 1) prepared by Council staff
- 2) reviewed by the Victorian Auditor General's Agent
- 3) presented to the Audit and Risk Advisory Committee.

**CERTIFICATION OF THE FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2020 cont'd**

Following the Audit and Risk Committee's review and recommendation, Council is required to approve 'in principle' the Financial Statements and Performance Statement for the year ended 30 June 2020 which form part of Council's Annual Report prior to submission to the Auditor-General.

**ATTACHMENTS**

<b>No.</b>	<b>Title</b>	<b>Page</b>
1	Annual Report 2019-2020 - Part One - Report of Operations - Final Draft <i>(Under Separate Cover)</i>	
2	Annual Report 2019-20 - Part Two - Performance Statement - Final Draft <i>(Under Separate Cover)</i>	
3	Annual Report 2019-2020 - Part Three - Financial Statements for the period ended 30 June 2020 - Final Draft <i>(Under Separate Cover)</i>	



## **7.5 AMENDMENTS TO BANYULE'S COVID-19 ECONOMIC SUPPORT PACKAGE**

Author: Tania O'Reilly - Manager Finance & Procurement, Corporate Services

### **Previous Items**

Council on 6 April 2020 (Item 3.1 - Banyule City Council's Response to COVID-19)

Council on 6 July 2020 (Item 5.3 - COVID - 19 Response - Community and Business Support Package 2020-2021)

Council on 15 June 2020 (Item 3.3 - Council Support for Ratepayers Suffering Hardship as a Result of the Coronavirus Pandemic)

---

### **EXECUTIVE SUMMARY**

To date Council has provided a significant response to the COVID-19 State of Emergency. At the forefront of Council's response is the safety and wellbeing of all members of the community.

The emergency, and consequently Council's response, is ever-changing. Council is supporting Banyule by maintaining financial sustainability, supporting local businesses, protecting Council staff health and wellbeing, supporting the local community, minimising Council service disruption and supporting rate payers.

Both the Federal and State Governments have extended funding to help stimulate the economy. Banyule is proposing to extend several funding components of the Economic Support Package that have expired since they were introduced. These include:

1. Postpone Penalty Interest charges on outstanding rates until 31 December 2020
2. Extend Rent Relief for Commercial tenants for a further 3 months
3. Extend Rent Relief for Community groups for a further 6 months
4. Extend 5 day payment terms for suppliers for a further 6 months

The extension of timeframe recommended for consideration by Council will cost approximately \$465,000 which will be funded from the current Banyule Economic Support Package.

In addition, two further changes are recommended to provide additional targeted relief to residents, as previously outlined in the Council report on 15 June 2020 Item 3.3:

1. Include the eligibility to a rate waiver for owner occupied residential properties to those receiving JobKeeper payments for businesses operating out of residential properties (Category B).
2. Increase rates waiver under Category C, being for all other ratepayers, from \$100 to \$250 to a maximum of the applicants 2020/21 general rates levied, whichever is the minimum.

Given the dynamic nature of the COVID-19 recovery and the direct link to the easing of restrictions, it is difficult to determine what financial support may be required in another six months' time to ratepayers, local businesses and community groups. A further report will be presented at the Ordinary Council meeting, scheduled for 14 December 2020, to review the effectiveness of the total support provided during the year.

**AMENDMENTS TO BANYULE'S COVID-19 ECONOMIC SUPPORT PACKAGE  
cont'd**

**RECOMMENDATION**

That Council:

1. Defer interest penalties that would be imposed in accordance with Section 172 (2) of *Local Government Act 1989* until 31 December 2020, at that date penalty interest will be calculated from the day that interest was last imposed for all previous year debts and from the due date of the first two instalments for current rating year.
2. Continue to provide rent relief by waiving the 2020/21 second quarter rental payable by eligible affected commercial tenants in Council owned buildings.
3. Waive fees, charges and rent (where applicable for Council tenants) for all local community groups for a further six month period commencing from 1 October 2020 until 31 March 2021. This includes Summer Sports Clubs - ground use, pavilion hire and utilities.
4. Extend the 5 business day payment terms for all suppliers to Banyule City Council until 30 June 2021.
5. Resolve to grant general rate waivers under section 171A of the *Local Government Act 1989* to owners or authorised representatives who are receiving JobKeeper payments and operating a business from their residential property. The amount to be waived will be \$500 to a maximum of the applicants 2020/21 general rates levied.
6. Increase the granting of general rate waivers under section 171A of the *Local Government Act 1989* for all other ratepayers – financial hardship demonstrated through a significant loss of income directly due to the coronavirus pandemic, from \$100 to \$250 to a maximum of the applicants 2020/21 general rates levied.
7. Recieve a status report on Banyule's Economic Support Package at the Ordinary Council meeting scheduled for 14 December 2020.

**COUNCIL PLAN**

This report is in line with Banyule's Council Plan key direction to "Stimulate business, employment and investment opportunities".

**BACKGROUND**

On 16 March 2020, a State of Emergency was declared in Victoria in relation to the COVID-19 pandemic. Since this announcement further 'lockdown' measures and responses have been put in place.

Council in response to the State of Emergency, announced a five-point plan in April 2020. This plan ensures support for Councillors, staff and the community as follows:

1. Protect staff health and wellbeing
2. Minimise Council service disruption

**AMENDMENTS TO BANYULE'S COVID-19 ECONOMIC SUPPORT PACKAGE  
cont'd**

3. Maintain financial sustainability
4. Support the local community
5. Support the local economy

As part of this plan Council developed Banyule's Economic Support Package to support local businesses, community groups and ratepayers to complement both the Federal and Victorian Government's packages.

The package is a two-step approach including:

1. Immediate relief from 6 April 2020 – 30 June 2020
2. Short term assistance from 1 July 2020 – 30 June 2021

To date Council has provided a significant response to the COVID-19 State of Emergency. At the forefront of Council's response is the safety and wellbeing of all members of the community. The emergency, and consequently Council's response, is ever-changing.

This report considers the timeframes of the current Banyule Economic Support Package considering the expected economic and community well-being recovery. The road to recovery will be longer than first expected and depends on the success of the stimulus packages being provided by all levels of government and the effectiveness of the health solutions.

The current stimulus measures are important in building a bridge between now and economic recovery and helping otherwise viable businesses survive. Both the Federal and State Governments have extended funding to help stimulate the economy. Banyule, through this report, propose to extend the timeframes and ultimately provide the funding from the Economic Support Package adopted by Council in its 2020/21 Annual Budget.

**LEGAL CONSIDERATION**

In relation to Council's commercial tenants, Council will continue to comply with current legislation and will respond to any changes to the COVID-19 Omnibus (Emergency Measures) (Commercial Leases and Licences) Regulations 2020 if and when they arise.

**HUMAN RIGHTS CHARTER**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

It is considered that the subject matter does not raise any human rights issues.

**CURRENT SITUATION**

On 16 March 2020, a State of Emergency was declared in Victoria in relation to the COVID-19 pandemic. Since this announcement further measures have been put in place.

- Melbourne moved to Stage 4 restrictions on Sunday 2 August 2020 and regional Victoria moved to Stage 3 restrictions on 5 August 2020.

## **AMENDMENTS TO BANYULE'S COVID-19 ECONOMIC SUPPORT PACKAGE cont'd**

- The current State of Emergency is expected to end Sunday 13 September.
- Banyule, as at 8 September 2020, had 435 confirmed cases and 11 active cases of COVID-19. Active cases are defined as someone who has tested positive, is currently in isolation and being monitored by the Department and who has not yet recovered.

It is anticipated that the restrictions will impact well over 20 per cent of Australia's economic activity and many businesses may struggle to re-open after the restrictions and closures.

There is financial support being made available by the Federal and State Governments to support people and businesses affected by COVID-19. Details of which are available through Council's website: Coronavirus (COVID-19) web-page.

The Banyule Economic Support Package as announced at a Council meeting on 6 April 2020 (with specific detail in subsequent Council meeting on 15 June 2020 and 6 July 2020) outlined the direct support to ratepayers, business and community groups.

## **DISCUSSION**

### **Support to Rate Payers – Rate Deferral**

For 2020/21 the penalty interest on overdue instalments has not been charged since 11 March 2020 and deferred until 8 October 2020 to allow time for ratepayers to make an application under the COVID-19 Hardship Policy and not be further disadvantaged if financial hardship is applicable. Those having been granted a deferral due to hardship will not be charged interest on these amounts until 30 June 2021. Those in hardship at that time will have the opportunity to enter into a payment plan. To allow more time for those ratepayers Council propose to extend this timeframe to the 31 December 2020.

Offering an interest free period until at least the due date of the 2<sup>nd</sup> Instalment will ensure payments are still received from those ratepayers who can currently afford to pay for their rates. Postponing the interest free period to 31 December 2020 is recommended and will allow more time to receive and process each application.

### **Support for local business – Rent Relief**

Rent relief has been provided for eligible tenants in Council owned buildings impacted by stage three restrictions. It is proposed to continue to support the five commercial tenants originally provided with six-months rent relief.

Relief for an additional three month period commencing 1 October 2020 to 31 December 2020 is recommended as these commercial businesses have been unable to operate effectively during the State of Emergency declared in Victoria in relation to the COVID-19 pandemic under Stage 3 and Stage 4 restrictions. Council will consider other eligible affected commercial tenants currently in Council owned buildings who have been impacted by the COVID-19 restrictions (as applicable).

### **Support for Community Groups and Sporting Clubs – Rent Relief**

Council has waived fees, charges and rent for local community groups. It is likely that the upcoming summer season of sport is likely to be impacted by COVID-19 restrictions. Continuing COVID-19 rent relief support to sporting clubs for the summer seasonal tenants and leased clubs is recommended, along with Community halls.

## **AMENDMENTS TO BANYULE'S COVID-19 ECONOMIC SUPPORT PACKAGE cont'd**

It is proposed that Council continue to support our community groups for a further 6 month period, commencing 1 October 2020 through to 31 March 2021. The relief would include fees for ground use, pavilion hire and utilities during this time.

### **Support to Rate Payers – General Rate Waivers**

As part of the Economic Support Package Council has resolved to allow general rate waivers that will directly assist ratepayers who are facing financial hardship as a result of the COVID-19 pandemic.

Applications for waivers have been accepted since 12 August 2020, when rates notices were issued for 2020/21. The framework that Council put in place to allow rates to be waived has provided some respite to the community in terms of having to find money to pay their first instalment.

Following a review of waiver applications, officers have identified a gap that relates to those ratepayers running a business from home, where the business is eligible for the JobKeeper program. As these properties are rated as Residential rather than Commercial or Industrial, a waiver cannot be granted currently under this category.

The implementation and now extension of the Stage 4 restrictions in Victoria, including a nightly curfew and unprecedented curtailment of economic activity, is set to have a major and long-lasting impact on Victoria's economy.

Many more Victorians are expected to be stood down with the job losses far more widespread than the primarily industries (hospitality and tourism). Industries now facing significant financial constraints and job losses include retail, wholesale, construction and manufacturing.

Further support will be required to help minimise the financial hardship of those ratepayers eligible and remove the eligibility gap since identified for those ratepayers operating a business from home.

It is recommended that Council, as a result of Stage 4 restrictions imposed by the Victorian Government, amend the initial resolutions under CO2020/87 to:

1. Include ratepayers receiving JobKeeper to be eligible to receive the rate waiver of \$500 for their residential property, if operating a business out of their residential property (Category B).
2. Increase rates waiver under Category C being for all other eligible ratepayers under Councils' hardship criteria from \$100 to \$250 to a maximum of the applicants 2020/21 general rates levied.

### **Economic Support Package Review**

Council will continue to monitor the impact of COVID-19 on Banyule Business's and the benefits of Banyule's Economic Support Package to Businesses, Community groups and Ratepayers.

A report to Council on Banyule's Economic Support Package will be tabled at the Ordinary Council meeting scheduled for the 14 December 2020.

A re-forecast of the cost of the Economic Support Package will be undertaken as at 31 December 2020. This will be reported in the Quarterly Financial Management

## **AMENDMENTS TO BANYULE'S COVID-19 ECONOMIC SUPPORT PACKAGE cont'd**

Report to Council comprising the actual and forecast cost of the extended Business and Community group support.

It is currently too early in the year to predict how much of the \$10.5 million Banyule Economic Support Package will need to be expended across the ratepayer base as the support allocated for rate relief is through a hardship application.

### **FUNDING IMPLICATIONS**

Extensions to the Banyule Economic Support Package timeframes will require addition funding. This will be funded within the \$10.5 million allocated for 2020/21 and will be further assessed through the quarterly forecast reporting to Council.

The funding available is dependent on the number of ratepayer applications received and granted under the COVID-19 hardship waiver of general rates. The Budget 2020/21 has allocated \$7.34 million for the financial year ended 30 June 2020 to fund rate waivers.

Approximate expenditure / loss of revenue from the extensions against the provision of Banyule's Economic Support Package is \$465,000 are as follows:

- Penalty Interest charged on outstanding rates postponed until 31 December 2020 - \$50,000
- Extend Rent Relief for Commercial tenants for a further 3 months – approximately \$75,000
- Extend Rent Relief for Community groups for a further 6 months – \$340,000
- Extend 5 day payment terms for supplier for a further 6 months – minor impact on dollars through interest on cash in reserve.

### **TIMELINES**

The opportunity to provide an extension of the Banyule Economic Support Package will be effective from 1 October 2020.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

The *Local Government Act 2020* (Act) requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

**AMENDMENTS TO BANYULE'S COVID-19 ECONOMIC SUPPORT PACKAGE  
cont'd**

**CONCLUSION**

A review of the timeframes provided to support ratepayers, local businesses and community groups has been undertaken. It is proposed that the Economic Support Package timeframes are extended as follows:

<b>Banyule Economic support Package - Description</b>	<b>Period of Support</b>	<b>Extension of Support Proposed</b>
Defer rates for ratepayers experiencing financial hardship	Penalty Interest charged (calculated on 8 October 2020)	Penalty Interest charged (calculated on 31 December 2020)
Providing rent relief for eligible tenants in Council owned buildings - commercial tenants	1 April 2020 – 30 September 2020	Extend by 3 months - 1 October 2020 – 31 December 2020
Providing rent relief for eligible tenants in Council owned buildings – local community groups and sporting clubs	1 April 2020 – 30 September 2020	Extend by 6 months - 1 October 2020 – 31 March 2021
Five Business day payment terms for all suppliers to Banyule City Council.	31 December 2020	Extend by 6 months – until 30 June 2021

The total cost of the officer proposals is estimated to be \$465,000. These costs will be funded within the 2020/21 budgeted \$10.5 million Economic Support Package.

In addition, two further changes are recommended to the resolution CO2020/87 to provide additional targeted relief to residents:

3. The eligibility to a \$500 rate waiver, to a maximum of the applicants 2020/21 general rates levied, for owner occupied residential properties to include those receiving JobKeeper payments for businesses operating out of residential properties (Category B).
4. Increase rates waiver under Category C being for all other eligible ratepayers under Councils' hardship criteria from \$100 to \$250 to a maximum of the applicants 2020/21 general rates levied.

The actual expenditure and waivers allocated against this package will be reported in the December 2020 Quarterly Financial Management Report to Council. Any forecast amendments at this time will also be reported once trends have been able to be established and more information is available on COVID-19 easing of restrictions.

**ATTACHMENTS**

Nil

## 7.6 RECORD OF COUNCILLOR MEETINGS

Author: Ellen Kavanagh - Governance Officer, Corporate Services

### EXECUTIVE SUMMARY

The *Local Government Act 1989* previously required that Assembly of Councillors (meetings of Councillors held outside of the formal Council Meeting program) were to be reported to the next available Council meeting, this section has now been repealed.

In accordance with the *Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules which include the requirement to report to Council on Councillor attendance at Briefings and Advisory Committees.

### RECORD OF MEETINGS

<b>1</b>	<b>Date of Meeting:</b>	18 August 2020 6.00pm Virtual
	<b>Type of Meeting:</b>	Multicultural Working Group Meeting
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Neami National services to CaLD community presentation</li> <li>• Advocacy Opportunity with Amnesty International- Community Sponsorship Program</li> <li>• Local Government Elections and supporting the CaLD community to vote</li> <li>• Greensborough Community Art Project</li> <li>• Pride Flag Update- Intersection with People if Colour</li> <li>• Diversity Statement Update</li> <li>• Partnership with Banyule Community Health to support community members on temporary visas impacted by Covid19</li> <li>• Religious Discrimination Bill Report Update</li> </ul>	
	<b>Councillors Present:</b>	
	Craig Langdon 6.30pm – 7.51pm Tom Melican – 6.00pm – 6.30pm	
<b>Staff Present:</b>		
Gemma Boucher – <i>Community &amp; Social Planner</i> Theonie Tacticos – <i>Community and Social Planning Coordinator</i>		
<b>Others Present:</b>		
Committee Members: Hedi Azadi, Uzma Rubab, Veronica Heng Teng Lee, Maria Axarlis-Coulter, Susan Zhou, Andrea Gallo, Ansam Sadik and Albert Fatileh (Victoria Police), Susan Crellin (Olympic Adult Education), Samantha Peek and Katya Hamiwka (Neami National)		
<b>Conflict of Interest:</b>	Nil	



**RECORD OF COUNCILLOR MEETINGS cont'd**

<b>2</b>	<b>Date of Meeting:</b>	20 August 2020 6.00pm Virtual
	<b>Type of Meeting:</b>	LGBTIQ+ Working Group Meeting
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• Greensborough Community Art Project</li> <li>• Inclusive Celebrations at Banyule Kinder and Childcare Centres</li> <li>• Diversity Statement Update</li> <li>• Religious Discrimination Bill Report Update</li> <li>• Inclusive Employment Program/Inclusive Employment Strategy Update</li> </ul>	
	<b>Councillors Present:</b>	
	Tom Melican	
<b>Staff Present:</b>		
Gemma Boucher – <i>Community &amp; Social Planner</i> Theonie Tacticos – <i>Community and Social Planning Coordinator</i>		
<b>Others Present:</b>		
Committee Members: Lara Hunter, Lachlan Harris, Claire Flynn, Megan Burke, Callum Cunningham (Victoria Police) Katie Larsen (Mind Australia)		
<b>Conflict of Interest:</b>	Nil	

**RECOMMENDATION**

That the Record of Councillor Meetings report be received.

**ATTACHMENTS**

Nil