

Minutes of the Ordinary Meeting of Council



Held on the 6 December 2021

Hybrid Meeting

In person at 1 Flintoff Street, Greensborough and via
electronic communications

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CLOSURE OF MEETING.....	ERROR! BOOKMARK NOT DEFINED.

MINUTES

The Meeting opened at 7.00pm.

Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Present

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

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 15 November 2021

Moved: Cr Peter Dimarelos

Seconded: Cr Alida McKern

CARRIED

Disclosure of Interests

Nil

Presentation

A short address was given by Helena Celejowski from the Economic Development Team. Helena presented to Council the Digital and Traditional Advertising Award which the team received at the Mainstreet Australia Awards for Excellence Ceremony in recognition for the Rediscover Local Initiative.

1. URGENT BUSINESS

Nil

2. PETITIONS

Nil

3. OUR INCLUSIVE AND CONNECTED COMMUNITY

3.1 WORKING FOR VICTORIA PROGRAM REVIEW

SUMMARY

1. The Working for Victoria (WFV) initiative is part of the Victorian State Government's \$1.7 billion Economic Survival Package. The WFV initiative aims to link employees affected by the COVID pandemic with new possibilities that will benefit the community, the initiative places participants with an organisation for a 6-month period.
2. Banyule City Council supported 23 WFV participants in a variety of roles:
 - o 14 City Presentation Officers & 2 Graffiti Mural Artists
 - o 4 Digitisation Officers
 - o 1 Economic Development Officer
 - o 1 Safety & Wellbeing Officer
 - o 1 Program Coordinator
3. There were many achievements over the 6-month period, some of which included:
 - o 1,126 graffiti tags were removed.
 - o 10,000 indigenous tube stock across bushland areas were planted
 - o Mulching & removing litter from 20 playgrounds throughout the municipality
 - o Installation of 7 murals across the municipality
 - o Digitisation of over 2 years' worth of records
 - o Stimulating the economy through business expansion projects.
4. In terms of the benefits to the participants, all were provided with on the job training in technical operational areas as well as upskilling in regard to CV development and interview skills.
5. Of the 23 program participants over 60% have gone on to find further employment.

Resolution (CO2021/231)

That Council notes this report and the success and contribution of the Working for Victoria program to the municipality of Banyule.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

4. OUR SUSTAINABLE ENVIRONMENT

4.1 DRAFT BANYULE WEED MANAGEMENT STRATEGY - FOR PUBLIC EXHIBITION

SUMMARY

1. An updated Banyule Weed Management Strategy (Attachment 1) has been prepared, which:
 - o Identifies priority weed species that currently have the biggest impact on our environment and public open spaces;
 - o Establishes reporting and monitoring procedures to support weed management in Banyule.
2. The Strategy identifies a weed definition and why they are critical to control.
3. It adopts an overarching decision-making methodology to identify priority weed species for each green space managed in Banyule.
4. The Strategy also identifies Banyule's 10 highest priority weeds across all green space management areas, with supporting management plans.
5. It further highlights the importance of using an Integrated Weed Management approach to safely and sustainably control weeds.

Resolution (CO2021/232)

That:

1. Council endorses the draft Banyule Weed Management Strategy for a six-week public exhibition period, via Shaping Banyule.
2. During the public exhibition process for the Draft Banyule Weed Management Strategy, specific comments be obtained over the use of chemical herbicides
3. Council receives a report detailing any feedback on the draft Banyule Weed Management Strategy, during the public exhibition period, and presenting a final draft Banyule Weed Management Strategy for consideration.

Moved: Cr Alida McKern
Seconded: Cr Peter Castaldo

CARRIED

4.2 STATE OF THE ENVIRONMENT REPORT 2020-2021

SUMMARY

1. The annual Banyule State of Environment report (Attachment 1) reports on the work that Council delivers annually to ensure our natural environment is healthy, green and actively cared for.
2. The report shows that Council is progressing well against our environmental KPIs, including being on track to meet the goal for a carbon neutral organisation by 2028.
3. Key highlights include:
 - o A 7.6% reduction in corporate greenhouse gas (GHG) emissions;
 - o Reduction in water use, with above annual rainfall averages in metropolitan Melbourne;
 - o \$110,000 allocated to community groups, individuals and non-for-profit organisations through the annual Environment Grants, to support them to lead projects and initiatives;
 - o Participation of 48 households and one social housing provider in the Better Score Program, enabling them to undertake upgrades ensuring higher thermal comfort, lower bills and lower emissions.
 - o The provision of online educational opportunities to 902 participants of the Rethink Centre.

Resolution (CO2021/233)

That:

1. Council endorse the Banyule State of Environment 2020-2021 report.
2. The Banyule State of Environment 2020-2021 report be made available on Council's website, at libraries with Banyule and at Council's service centres.
3. Council notes that we are progressing well against our environmental key performance indicators and are on track to meet the goal of being a carbon neutral organisation by 2028.
4. Council includes in future State of Environment reports a breakdown of emissions sources for previous and future years, and details of current and projected risks and challenges to achieving both the 2028 Corporate Emissions and the 2040 Community Emissions targets.

Moved: Cr Peter Castaldo
Seconded: Cr Alida McKern

CARRIED

5. OUR WELL-BUILT CITY

5.1 EXHIBITION OUTCOME - PLANNING SCHEME AMENDMENT C119

John D'Aloia spoke in person, and written statements were read on behalf of Rosemary Reddick and Susan Toole by Marc Giglio, Director Corporate Services and Kath Brackett, Director Community Programs.

SUMMARY

1. The proposed Banyule Planning Scheme Amendment C119 (**C119**) seeks to apply permanent tree protection controls to 95 significant trees within Banyule and to remove the control from two properties where the trees have been legally removed.
2. Interim tree protection controls for significant trees were approved by the Minister for Planning via Amendment C117 on 18 June 2021 and expire on 31 May 2022.
3. The exhibition of C119 occurred from 3 August 2021 to 8 October 2021. Council received a total of fourteen (14) submissions, six (6) in support, six (6) opposing and two (2) from public authorities. **Attachment 1** provides a summary and response for each submission.
4. During exhibition of C119 a number of mapping errors were revealed for trees included in the amendment. A further review of all trees identified a total of eleven (11) mapping errors. Properties affected by these errors were all notified directly, and the exhibition period was extended by four weeks to accommodate this extra notification.
5. Pursuant to Section 23 of the *Planning and Environment Act 1987*, it is required to review submissions and decide to:
 - a. make changes to the amendment to resolve submissions,
 - b. refer submissions to a planning panel, or
 - c. abandon the amendment.
6. As not all issues raised in submissions have been able to be resolved, referral to an independent Planning Panel (Panel) is recommended.
7. A Panel allows for an independent examination of the issues and evidence. This would result in Council, the Minister for Planning and all submitters receiving a clear set of recommendations about the merits of the proposed amendment and any recommended changes.
8. Council would then have a further opportunity to consider the amendment and make a decision based on the recommendations of the Panel.

Resolution (CO2021/234)

That Council:

1. Note the submissions to Amendment C119bany to the Banyule Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987* (Attachment 1)
2. Approve the post exhibition changes outlined in Attachment 2 and proceed with Amendment C119bany based on these revisions.
3. Request that the Minister for Planning appoint a Planning Panel to consider unresolved submissions to Amendment C119bany in accordance with Section 23 of the *Planning and Environment Act 1987*.

4. Accept any late submission received from the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation regarding Amendment C119bany and refer the submission to the Planning Panel as necessary.
5. Includes consideration of submissions that suggest changes to the Environmental Significance Overlay Schedule 4 (ESO4) permit requirement as part of Council's broader Vegetation Protection Controls Review.

Moved: Cr Alida McKern

Seconded: Cr Peter Castaldo

CARRIED

5.2 MAJOR TRANSPORT PROJECTS UPDATE

SUMMARY

The following update is provided on the state's major transport projects that are occurring in Banyule.

NORTH EAST LINK

1. Service relocation works primarily proximate to Borlase Reserve and along Greensborough Road have continued as part of the early works phase of the project, with most service relocation works approaching completion.
2. Ministerial approval is currently being sought for the use of Frensham Reserve for a construction compound. This is to facilitate the construction of Northern Gas Main Relocation Works. Council has received for review, the construction compound plans for Frensham Reserve and the preliminary gas main design.
3. Construction works in the Watsonia Station car park have commenced to relocate the existing telecommunications tower further south, still within the current footprint of the station car park. The works involve telecommunications and electrical cabling, an associated telecommunications compound with landscaping and fencing, and replacement commuter car parking where the previous transmission towers were previously located.
4. The Victorian Government and NELP announced the North East Link central package (tunnelling) to SPARK with an updated concept design released. In Banyule these include:
 - Extended twin tunnels north to Watsonia to be constructed using tunnel boring machines
 - A simplified Lower Plenty Road interchange
 - Borlase Reserve with 10 hectares of community parklands, shared used path, walking trails and Banyule Creek wetlands
 - A new pedestrian/cyclist bridge over Lower Plenty Road
 - Greensborough Road to be re-built as a tree-lined boulevard with service road access for properties on the western side
 - An extra 9km of walking and cycling paths added to the North East Trail
5. From 2022 the other packages of work will be progressively put out to market, with the northern package covering the balance of the North East Link within Banyule to be finalised in the coming 12-18 months.
6. A review of the previously Council adopted North East Link Project Advocacy List has been undertaken. The list contains projects Council would like in NEL.

HURSTBRIDGE LINE DUPLICATION

7. Council has continued to receive design packages for review and comment on technical matters that primarily relate to Council assets. The designs are nearing finalisation and will be issued for construction imminently.
8. The removal of vegetation along the rail corridor to facilitate preparatory works and ultimate rail infrastructure construction has also been undertaken. Excavation and piling for key structures have also been undertaken.
9. The Eltham Copper Butterfly (ECB), a federally listed species afforded protection, was discovered in Council land and the rail corridor earlier this year. This resulted in a project scope and design change, that retained the single track immediately east of the

new Montmorency railway station and the retention of the Mountain View Road bridge over the rail.

10. Council land was licenced for use to facilitate construction of the project for a period of 13 months at the following locations:
 - o EJ Andrews Reserve, Greensborough
 - o A portion of Petrie Park, Montmorency
 - o 156 Sherbourne Road, Montmorency
11. Council secured in principle agreement with the LXP for additional funding, to be supplemented with a co-contribution from Council, towards the embellishment of EJ Andrews Reserve and Petrie Park. The improvement works will be consistent with the Council approved Public Open Space Plan Technical Report (2016 – 2031) and the Petrie Park and Rattray Reserve Master Plan (June 2016). An MoU is being developed to formalise this arrangement.
12. Council also secured agreement for a funding contribution towards road safety improvements in Mountain View Road at, Mayona Road intersection and the school children's crossing immediately north of the railway line. Council will deliver these works, bringing forward future capital works funding.

FITZSIMONS LANE UPGRADE

13. The project has progressed with vegetation removal, drainage installation, retaining wall construction and excavation at the Main Road and Fitzsimons Lane intersection, in preparation for road widening and road pavement construction, lighting, traffic signal infrastructure and hardware associated with signalisation.
14. The intersection design has been finalised with a separated shared user path to be provided along the north side of Main Road, between Bolton Street and the new traffic signals, with a transition to merge to an exclusive on road bicycle lane heading north towards Eltham. A shared user path on the east side of Fitzsimons Lane connecting to the Main Yarra Trail as per the original design has been retained.
15. The project is currently working towards finalising the utility relocation designs, as drainage works continue to progress. Council is yet to receive a landscape plan for review and comment.
16. These works are in preparation for the 1 month Main Road construction blitz, which is scheduled to commence in early January 2022.

Resolution (CO2021/235)

That Council:

1. Notes the Major Transport Project update.
2. Endorses the North East Link Project Advocacy List – December 2021.
3. Prepare a transport advocacy campaign report detailing strategy and delivery for proactive advocacy for the projects in the North East Link Project Advocacy List – December 2021 to the Victorian Government.
4. Receives further updates on the North East Link Project, Hurstbridge Line Duplication Project and Fitzsimons Lane Upgrade Project each quarter.

5. Note that EJ Andrews Reserve is in Briar Hill and not Greensborough.

Moved: Cr Alida McKern

Seconded: Cr Tom Melican

CARRIED

5.3 FINAL HEIDELBERG STRUCTURE PLAN

SUMMARY

1. The purpose of this report is to seek approval of the final Heidelberg Structure Plan (**Attachment 1**).
2. The draft Heidelberg Structure Plan (the Plan) is a place-based strategic framework that will guide growth and coordinate Council investment and activity in the Heidelberg Major Activity Centre over the next ten years.
3. The draft Plan builds upon the previous 2010 version. Key elements include a centre-wide framework organised into four key themes with objectives and strategies for 'Activity and Land Use', 'Built form and character', 'Access and connection' and 'Places for people' (public realm/ public spaces). It also includes 6 precincts, each with its own vision and strategies.
4. Comprehensive community and key stakeholder engagement has occurred over three stages, beginning with the Heidelberg Liveability surveys in February 2020, the release of a Key Directions Paper in April 2021, and consultation on the Council endorsed draft Plan from 21 September to 19 October 2021.
5. Submissions have highlighted a number of valid and genuine issues. Accordingly, a number of changes have been made to the Plan in response to submissions, notably:
 - o Decrease of heights in sections of the residential precinct and the interface with Yarra River parklands
 - o Strengthening connection with Yarra River
 - o Additional strategies and actions related to supporting sensitive public realm interfaces, pedestrian and cycling access and connectivity.
6. Once approved, preparation of a planning scheme amendment will commence for the purpose of implementing the Plan through the Banyule Planning Scheme. It is intended that new planning provisions will be prepared to achieve the preferred outcomes outlined in the Structure Plan.
7. The Plan also provides a tool under which a range of Council activities and projects can be coordinated to deliver the shared vision for the centre. This includes alignment of future costed and funded capital works projects, advocacy, public realm planning, investment attraction and activation of public spaces amongst other things. An implementation plan will be prepared in support of a 'place-based' approach to support the continued growth of the centre over the lifetime of the Structure Plan.

Resolution (CO2021/236)

That Council:

1. Approve the final draft Heidelberg Structure Plan in **Attachment 1**.
2. Note the submissions and comments made during consultation on the draft Heidelberg Structure Plan as described in **Attachment 2**.
3. Receives an outline of a proposed planning scheme amendment and a request to seek authorisation from the Minister for Planning at a Council meeting in early 2022 for the purposes of implementing the Plan through the Banyule Planning Scheme.

4. Note that the Heidelberg Structure Plan may be the subject of recommendations from a planning panel prior to Council's adoption of any final planning scheme amendment before submitting to the Minister for Planning for approval.

Moved: Cr Peter Castaldo

Seconded: Cr Peter Dimarelos

CARRIED

6. OUR VALUED COMMUNITY ASSETS AND FACILITIES**6.1 SUPERVISED CHILDREN'S CROSSINGS - UPDATE****SUMMARY**

1. Council is responsible for the ongoing review and installation of children's crossings throughout the municipality.
2. Each year, the State Government provides a subsidy to Council to offset some of the costs of supervision at sites that meet specific warrants in accordance with the Department of Transport's Crossing Supervisor Subsidies.
3. Given the challenges of obtaining accurate school crossing data over the last two years due to COVID-19 restrictions, the Department of Transport have committed to providing subsidy funding based on previous subsidy applications prior to COVID-19.
4. For the 2021/22 financial year, the Department of Transport provided a funding contribution for 76 crossing supervisors totalling \$468,920.00 (GST exempt).
5. Over the last four (4) years, some school crossing locations have not met the warrants for a crossing supervisor, resulting in Department of Transport not providing any funding for the supervision of the locations. These crossing supervisors have been fully funded by Council during this time.
6. Given that these school crossing locations have not met the warrants for a supervisor over the past several years, a review has been undertaken regarding the future of the school crossings at these locations.
7. It has been recommended that two (2) school crossings be maintained on safety grounds, one (1) supervisor be relocated from the flagged school crossing to the signals and the redundant crossing removed and one (1) school crossing be removed, with the school crossing supervisor being relocated to another location.

Resolution (CO2021/237)

That Council:

1. Discontinues the supervision of the Wungan Street, Macleod, between Portree Street and Highview Crescent school crossings as of December 2021.
2. Notes that the school crossing supervisor has been relocated from Altona Street, Heidelberg West, between Waterdale Road and Kokoda Street to the signals at the intersection of Altona Street and Waterdale Road, Heidelberg West due to changes to access to the school.
3. Writes to:
 - a. St Pius X Primary School to advise that:
 - i. the Altona Street flagged crossing has not met the warrants for a crossing supervisor over several years;

- ii. Council has now relocated the school crossing supervision to the pedestrian operated signals at the Altona Street and Waterdale Road intersection and it will be funded until the 23/24 financial year after which it will be reviewed; and
 - iii. the school crossing features of the flagged school crossing will be removed and reverted to a crossing point, where vehicles would have the right of way.
- b. Macleod College to advise that:
- i. the Wungan Street crossing has not met the warrants for a crossing supervisor over several years;
 - ii. Council will discontinue funding the supervision of the school crossing; and
 - iii. the school crossing features will be removed and reverted to a crossing point, where vehicles would have the right of way.
4. Continues to fully fund the supervision of the following school crossings on safety grounds until the 23/24 financial year, after which they will be reviewed:
- a. Altona Street, Heidelberg West, at the Waterdale Road intersection,
 - b. Mountain View Road, Briar Hill, between Campbell Road and Fernside Avenue.
 - c. Sherbourne Road, Montmorency, between Hyacinth Street and Outlook Crescent.

Moved: Cr Rick Garotti

Seconded: Cr Peter Dimarelos

CARRIED

6.2 VIEWBANK TENNIS CLUB - LED LIGHTING UPGRADE**SUMMARY**

1. There is an allocation in the 2021/22 Capital Works Program for the upgrade of lighting infrastructure (poles and lights) at the Viewbank Tennis Club for courts 7 and 8.
2. There is an additional allocation in the 2022/23 program to convert the remaining court lights to LED.
3. To minimise disruption to the club and realise possible cost savings, approval is being sought to bring the LED light conversation project forward from 2022/23 financial year to this financial year and deliver the two projects concurrently.

Resolution (CO2021/238)

That Council:

1. Acknowledge there is currently an allocation of \$90,000 within the draft 2022/23 capital works program for the upgrade of LED lighting at the Viewbank Tennis Club.
2. Endorses an additional \$90,000 within the 2021/22 capital works program for the upgrade of LED lighting at the Viewbank Tennis Club and fund the additional allocation from deferrals within the 2021/22 capital works program.

Moved: Cr Fiona Mitsinikos
Seconded: Cr Alida McKern

CARRIED

6.3 NORTH EAST LINK PROJECT - SPORTING INFRASTRUCTURE OUTCOMES AND CLUB TRANSITION

SUMMARY

1. The purpose of this report is to provide Council with an update on the completion of the sporting infrastructures projects as part of the North East Link Project (NELP), and the transitioning of displaced clubs to the new facilities.
2. In 2019, the NELP identified the following three sporting sites across Banyule, that would be impacted during the construction period of the project. These being: AK Lines Reserve, Gabonia Ave Reserve and Windsor Reserve.
3. Banyule strongly advocated for outcomes to support the impacted clubs and Otium Planning were engaged by the NELP and three sites, Binnak Park, Ford Park and Greensborough College were identified as relocation sites for displaced sporting clubs. Ford Park was also identified as the preferred location for the Yarra Junior Football League who would be impacted at its site at Bulleen Park in Manningham Council.
4. The Projects are part of an overall \$68 million investment to help upgrade sporting facilities while the North East Link is being constructed. The three sporting infrastructure projects completed across Banyule are estimated at a combined cost of \$35 million, fully funding by the NELP.
5. To complete the final transition of the clubs there is some minor works and equipment support needed to assist reallocation of clubs to their new homes. This report recommends that Council allocate \$80,000 for these items and to complete these works.

Resolution (CO2021/239)

That Council:

1. Notes the successful outcome of the Sporting and Community Infrastructure at Greensborough Secondary College, Binnak Park and Ford Park delivered and paid for by the North East Link Project at an estimated value of \$35 million.
2. Thank the North East Link Project, Council's project management team and key club stakeholders for their contribution to the successful delivery of these projects.
3. Approve an allocation of \$80,000 from the 2021/2022 Capital Works Budget towards the remedial works and equipment required at AK Lines Reserve and Binnak Park to ensure the successful transition of the sporting clubs. This includes \$30,000 for AK Lines Reserves for remedial ground and pavilion works; and \$50,000 for Binnak Park for path works and equipment fit out of the pavilion.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

7. OUR THRIVING LOCAL ECONOMY

7.1 2021/22 ECONOMIC SUPPORT PACKAGE - STATUS UPDATE

SUMMARY

1. Council has provided well needed assistance to ratepayers, local businesses and community groups since the beginning of the COVID-19 Pandemic through its Economic Support Package.
2. This report provides an update in relation to the outputs achieved to date to assist those ratepayers, businesses and community groups in Banyule to respond to and emerge from this global pandemic.
3. The 2021/22 funding allocation of Banyule's Economic Support Package is forecast as at 31 October 2021 at \$3.540m and is allocated across:
 - Ratepayer Support
 - Business Support
 - Community Support.
4. Council will continue to monitor the needs and impacts of the community as the demand to re-activate community events, celebrations and sporting activities commence.
5. The economic support provided to our businesses, community service organisations, sports, arts and cultural groups has been critical to sustain basic levels of operation and survival during lockdown.
6. Given the unexpected duration of lockdowns due to COVID-19, Council has extended its support through the continuation of programs such as the Rediscover Local Campaign and the COVID-19 Business Grants Program and will continue to do so over the next six months.
7. To ensure hardship and collection activities continue to be handled efficiently, while being sensitive to a ratepayer's circumstances, it is proposed to continue the employment of the Rates Hardship and Collections Officer for the remainder of the year.

Resolution (CO2021/240)

That Council:

1. Notes the current status of the 2021/22 Banyule Economic Support Package to support ratepayers, businesses, and community.
2. Notes the extensive efforts undertaken to support local economy, businesses and jobs in response to the economic impacts of COVID-19.
3. Acknowledge that the Best Biz Awards Program will be deferred until the Economic Development Strategy and Recovery Plan has been finalised.
4. Endorse the continuation of the rates hardship and collections officer through to 30 June 2022 utilising the unallocated funding of the 2021/22 Economic Support Package.
5. Receive a further report on the current status of the 2021/22 Economic Support Program in March 2022.

6. Refer funding for ongoing Economic Support to the 2022/23 budget process as required beyond 30 June 2022.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

8. OUR TRUSTED AND RESPONSIVE LEADERSHIP

8.1 PROVISION OF CONCRETE AND ASPHALT MAINTENANCE WORKS

SUMMARY

1. This report is to consider the awarding of Contract No. 1148-2022 - Provision of Concrete and Asphalt Maintenance Works.
2. The Contract was set out as separable portions of concrete and asphalt services, allowing tenderers to submit a response for both categories or a specialised service of one (1) category.
3. Tenders were received from 37 Companies.
4. The Tender Evaluation Panel (TEP) has recommended awarding the Contract to four (4) companies for each category.
5. The contract will commence 3 January 2022. The Initial Contract Term shall be for a maximum initial period of three (3) years with the option to extend for a maximum of two (2) years, based on satisfactory performance and meeting Council objectives.

Resolution (CO2021/241)

That Council:

1. Award Contract No. 1148-2022- Provision of Concrete and Asphalt Maintenance Works to the following contractors for a combined spend of \$1 million per annum (ex. G.S.T) for a period of three (3) years with optional extension period of any duration up to a maximum of two (2) years:

Concrete Service:

A&F Basile Paving Pty Ltd
JR Willett Pty Ltd
N&G Nerone Paving Pty td
S&A Piccirillo Paving Pty Ltd

Asphalt Service:

Prestige Paving Pty Ltd
Roadsafe Asphalt Vic Pty Ltd
Silman Bros Asphalting Pty Ltd
Statewide Asphalt Services Pty Ltd

2. Authorise the Director of Assets and City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets and City Services to award extensions of this Contract, subject to review of the Contractor's performance and Council's business needs, at the end of the initial three (3) year contract term and extension periods.

Moved: Cr Peter Dimarelos

Seconded: Cr Tom Melican

CARRIED

8.2 AWARD OF CONTRACT FOR 1166-2022 ASSEMBLY & LOGISTICS FOR FOGO BIN DISTRIBUTION**SUMMARY**

1. This report is to consider the awarding of Contract No. 1166-2022 – Assembly & Logistics for FOGO Bin Distribution.
2. Tenders were received from two companies.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Bin Servicing Pty Limited (trading as The Bin Guy) in accordance with the tender and conditions as determined by Council.
4. The contract will commence in December 2021 with delivery of bin components to the contractor for assembly & distribution commencing February 2022. The Contract Term shall extend until the launch of Council's FOGO service in mid-2022.

Resolution (CO2021/242)

That Council:

1. Award Contract No. 1166-2022 - Assembly & Logistics for FOGO Bin Distribution to Bin Servicing Pty Limited (trading as The Bin Guy) for \$537,895 (excl GST).
2. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.
3. Authorise the Director of Assets & City Services to award extensions of/variations to this Contract, subject to review of the Contractor's performance and Council's business needs.

Moved: Cr Peter Castaldo
Seconded: Cr Tom Melican

CARRIED

8.3 REVIEW OF GOVERNANCE LOCAL LAW NO. 2**SUMMARY**

1. In 2015 Council developed its Governance Local Law (No.2) and Meeting Procedures Code (2015).
2. In accordance with the *Local Government Act 2020* (the Act) Council was required to adopt Governance Rules which describe the way it will conduct Council meetings and make decisions, replacing the Meeting Procedures Code (2015).
3. The Governance Local Law No. 2 provides for the use of the common seal and issuing of infringement notices in relation to offences incurred against the local law. It continues to operate until it is revoked or sunsets in 2025.
4. The Governance Local Law No. 2 was made under the 1989 Act and requires updating in line with new legislation and to remove references to the Meeting Procedures Code (2015).
5. Officers engaged Maddocks Lawyers to review the Governance Local Law No. 2 in line with the 2020 Act.
6. The process Council must take to make a local law is outlined in the Act, including public exhibition in line with Council's Community Engagement Policy.
7. If public consultation results in amendments to be made to the draft Governance Local Law No.2 the exhibition process must recommence.
8. An additional new requirement of the Act is that before a Local Law is made Council must obtain a certificate from a qualified person (lawyer) stating that the proposed local law is consistent with the local law requirements of the Act.

Resolution (CO2021/243)

That:

1. Council endorse the draft Governance Local Law No.2 for public exhibition via Shaping Banyule, Council's website and inspection at the service centres from 7 December 2021 to 14 January 2022.
2. A report be presented back to Council to consider the consultation feedback.

Moved: Cr Alida McKern
Seconded: Cr Tom Melican

CARRIED

8.4 50 CHAPMAN STREET, MACLEOD - RENEWAL OF TELECOMMUNICATIONS LEASE WITH TELSTRA**SUMMARY**

1. Telstra Corporation Limited (Telstra) currently leases part of Macleod Park at 50 Chapman Street, Macleod in the south west corner of the Park, for the purposes of a telecommunications tower. This Lease is due to expire on 5 June 2023.
2. A variation to the current Lease was negotiated recently to allow for a 30-metre monopole to replace the existing monopole. This variation is not signed to date as Telstra need to provide final plans to be annexed to the Deed of Variation.
3. Telstra have requested early assurances of a new lease being entered, to allow them sufficient time to consider alternative locations if a new lease cannot be negotiated.
4. Council can enter a future lease, pending completion of negotiations and compliance with s. 115(4) of the *Local Government Act 2020* (the Act).

Resolution (CO2021/244)

That Council subject to the requirements of s. 115(4) of the Act, authorises the Director City Development to undertake negotiations with Telstra Corporation Limited to enter into a new ten-year lease with two five-year options to renew, commencing 6 June 2023 at market value rent.

Moved: Cr Tom Melican
Seconded: Cr Peter Dimarelos

CARRIED

8.5 CHIEF EXECUTIVE OFFICER REMUNERATION POLICY

SUMMARY

1. The *Local Government Act 2020* (the Act) introduced several new requirements for councils in relation to the Chief Executive Officer employment, remuneration and performance review. Section 45 of the Act requires Council to develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy (the Policy).
2. The Policy must be adopted by 31 December 2021 and provide for the following matters which Council is responsible for:
 - a. the recruitment and appointment of the CEO
 - b. approving the Contract of Employment between Council and the CEO
 - c. the appointment of an Acting CEO
 - d. the provision of independent professional advice in relation to the matters dealt with in the Policy
 - e. the monitoring of the CEO's performance
 - f. an annual review of the CEO's performance
 - g. determining the CEO's remuneration
3. Council has operated a CEO Employment Matters Advisory Committee (the Committee) since October 2014. The Committee is chaired by an independent expert member and all Councillors are appointed as members.
4. The Terms of Reference (ToR) for the Committee provides a good foundation for the Policy. The ToR document complements the Policy and they will operate concurrently.
5. The draft Policy has also taken into account the Model Policy issued by Local Government Victoria (LGV), and benchmarking with other councils' policies.
6. This report provides context in which a CEO Employment and Remuneration Policy is required and recommends adoption of the Banyule CEO Employment and Remuneration Policy.

Resolution (CO2021/245)

That Council adopts the Banyule CEO Employment and Remuneration Policy. In accordance with the requirements of Section 45 of the *Local Government Act 2020*.

Moved: Cr Alison Champion

Seconded: Cr Tom Melican

CARRIED

9. SEALING OF DOCUMENTS

Nil

10. NOTICES OF MOTION

Nil

11. GENERAL BUSINESS**11.1 RETIREMENT OF ALAN HUNTER**

A general business item was raised by Cr Rick Garotti acknowledging the retirement of Alan Hunter as president of the Watsonia Football Club for over 20 years.

11.2 RETIREMENT OF MARLENE CATEN

Cr Rick Garotti acknowledged the retirement of Marlene Caton from the Watsonia Red Cross after 18 years of service there as well as from volunteering at Watsonia neighbourhood house and Bundoora neighbourhood connect.

11.3 NORTHERN ALLIANCE FOR GREENHOUSE ACTION (NAGA)

Cr Alida McKern acknowledged NAGA winning an award for service excellence in the DEWLP Environment and Climate Change awards. The award was for design and delivery of a training course in climate change risk and adaptation for Local Government. Cr McKern also wished our community, Councillors and Council staff the best for a happy and safe festive season.

11.4 ANTHONY CARBINES PROMOTION TO MINISTER FOR DISABILITY, AGEING, CARERS, CHILD PROTECTION AND FAMILY SERVICES

Cr Tom Melican acknowledged and congratulated former Banyule Councillor and currently Member for Ivanhoe, Anthony Carbines, for his promotion to the Minister for disability, ageing, carers, child protection and family services. Cr Melican also acknowledged the retirement of Alan Hunter from the Watsonia Football Club.

Closure of Meeting

The Meeting was closed at 8.24pm.

DATED: DAY OF 2021

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MAYOR

The next Ordinary Meeting of Council will be held on Monday, 07 February 2022 .

PUBLIC QUESTION TIME

1	<p>Name & Suburb</p> <p>Nola McDowell, Ivanhoe</p>
	<p>Question:</p> <p>Part of the resolution to close Waterdale Road at Upper Heidelberg Rd Ivanhoe (21/9/2020 Item 5.2) was that “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.”</p> <p>Given that this is a major factor in Council resolving on this closure what were the results of this road safety audit and when will this audit be made available for the community?</p>
	<p>Response:</p> <p><i>Jonathan Risby – Director</i></p> <p>A road safety audit has been conducted and the final report was received in April 2021. It makes 14 recommendations. All recommendations have a risk rating of medium or low. Works to address these recommendations have been either programmed for minor works or listed for capital works funding. Members of the community interested in accessing the document can contact our Traffic and Transport Engineering team.</p>
2	<p>Name & Suburb</p> <p>Julie Fechner, Montmorency</p>
	<p>Question:</p> <p>When will Council be consulting with the Banyule community on the conduct of trials of the proposed Food Organics Garden Organics (FOGO) service and outlining the implementation timetable? BRAG understands that several Councils have already reverted back to a weekly garbage collection service and that there are significant issues with the waste services provided in an inner-city Greens controlled Council.</p>
	<p>Response:</p> <p><i>Darren Bennett – Director Assets & City Services</i></p> <p>The 8-week FOGO Trial occurred over October and November in 2021.</p> <p>The outcome of the trial is currently being reviewed and a comprehensive communication strategy will begin in the new year. The service is on track to commence in July 2022.</p>

3	<p>Name & Suburb</p> <p>Anonymous</p>
	<p>Question:</p> <p>What are the reasons that Banyule Council hides from public view comments made in response to official Banyule City Council facebook posts?</p>
	<p>Response:</p> <p><i>Gina Burden – Manager Corporate Governance & Communication</i></p> <p>Council staff monitor all comments on social media and comments that are offensive in nature or considered derogatory or defamatory towards individual councillors, staff or community members are hidden or deleted.</p>
4	<p>Name & Suburb</p> <p>Anonymous</p>
	<p>Question:</p> <p>Which council officer or councillor attended this training course 'Conflict of interest risks - lessons from the Ombudsman' https://www.ombudsman.vic.gov.au/learn-from-us/training/dealing-with-conflict-of-interest/ which was run on 30th November, 2021?</p>
	<p>Response:</p> <p><i>Gina Burden – Manager Corporate Governance & Communication</i></p> <p>There were no Banyule Officers or Councillors in attendance at this training on that date. This course is run on a regular basis by the Ombudsman's Office. Several officers, have attended the course in the past. Councillors receive regular Conflicts of Interest training which is provided in-house by legal professionals.</p>
5	<p>Name & Suburb</p> <p>Anonymous</p>
	<p>Question:</p> <p>What is council's policy on PR companies running the social media pages for sitting councillors (using council credentials) and does council interact directly with the Public Relations company?</p>
	<p>Response:</p> <p><i>Gina Burden – Manager Corporate Governance & Communication</i></p> <p>The guidelines for the appropriate use of social media by councillors is outlined in the Councillor Code of Conduct available on Council's website. It does not reference the use of PR companies, that is, it does not prohibit or otherwise the private engagement of PR</p>

	companies by councillors for their personal social media accounts. These personal accounts are not funded or maintained by Council and Council has not interacted with any PR representatives engaged by any councillor.
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6	Name & Suburb
	Alicia Curry, Rosanna
	<p>Question:</p> <p>The wildlife corridor map was produced in 2000, but since then many trees along corridors have been approved by council to removed, so when will council be producing a new map and how will the reduction in tree canopy affect the map?</p> <p>Response:</p> <p><i>Jonathan Risby – Acting Director City Development</i></p> <p>Banyule’s Wildlife Corridors map identifies where habitat connections are required to enable the movement and dispersal of animals. It is used to prioritise and advocate for planting programs. The map will help inform the Urban Forest Strategy revision and actions. It will be updated into Council’s GIS system in the new year. It is likely that the priority areas will remain the same, especially if tree removals have occurred.</p>

Note: This question is reprinted from the Council Meeting held on 15 November 2021 as there had been a misunderstanding about which lighting was being referred to.

7	Name & Suburb
	Julie Fechner, Montmorency
	<p>Question:</p> <p>Is there any reason for the lighting in the new Ivanhoe Library to be on 24/7? What is the current electricity cost? And how does this meet Council's aims of reducing carbon emissions?</p> <p>Response:</p> <p><i>Darren Bennet – Director Assets & City Services</i></p> <p>The facility is fitted with motion sensor devices however the smallest movement within the facility triggers the lights. We are looking into programming the lighting, so when all the activities in the new facility are finished for the day, the lights will turn off.</p> <p>The 2021/12 budget for utilities (which includes electricity and gas) is \$72,000.</p> <p>All lights within the precinct are LED, the building has a 5 Stars “Australian Excellence” under the Green Star Design and as built v1.1 rating tool. M The facility also includes 99.9 kW Rooftop Solar PV System, which offsets the power usage of the precinct.</p>