

Minutes of the Ordinary Meeting of Council



Held on 15 August 2022

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

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The Meeting opened at 7.05pm.

Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Present

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

Officers in attendance: Acting Chief Executive Officer - Darren Bennett, Director Community Wellbeing - Kath Brackett, Director Corporate Services - Marc Giglio, Director City Development - Natasha Swan, Acting Director Assets & Delivery - Greg Gale, Manager Corporate Governance & Communications - Gina Burden, Coordinator Governance - Krysten Forte

Apologies

Cr Peter Dimarelos

Leave of Absence

NIL

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 18 July 2022

Moved: Cr Tom Melican

Seconded: Cr Fiona Mitsinikos

CARRIED

Disclosure of Interests

NIL

Presentation

Parks and Leisure Australia Playspace Award for the best playground under \$500,000

Banyule Strategic Projects Officer, Tylah Ingram, presented the award for Macleod Village Green Playspace. This multi-generational space was upgraded in 2020 as part of Banyule's recurring playspace renewals and offers unique opportunities for children and family including musical instruments, sculpture, nature play and even a potions table to spark children's imagination.

1. URGENT BUSINESS

2. PETITIONS

Nil

3. OUR INCLUSIVE AND CONNECTED COMMUNITY

Nil

4. OUR SUSTAINABLE ENVIRONMENT

Nil

5. OUR WELL-BUILT CITY**5.1 DEVELOPMENT PLANNING AND BUILDING ACTIVITIES REPORT - JANUARY TO JUNE 2022****EXECUTIVE SUMMARY**

- This report presents and provides commentary on the January to June 2022 activities of Development Planning and Building with key highlights from the review period.

Development Planning

- The number of planning applications and requests received increased by 2.3% in the 2021-22 financial year as compared to the previous financial year.
- The average number of 'Live' (current) planning applications and requests increased by an average of 29 per month as compared to the previous review period.
- The percentage of applications determined within the statutory timeframes reached a high in April with 81% of planning application determined in 60 days. In March, 88% of VicSmart applications were determined within 10 business days.
- Applications for multi dwelling development decreased by 30% in the six-month review period from 116 in the previous review period to 79. This is the lowest number of multi dwelling applications received in a six-month review period since records began in 2017. This may reflect current market uncertainties.
- There has been an increase in the number of Council decisions overturned by the Victorian Civil and Administrative Tribunal throughout the review period with 67% of applications for review set aside by the Tribunal. This is compared to 28% overturned in the previous six months.
- Two 'out of time' appeals were received in the review period.

Building Services and Banyule Bpi

- Less building permits were issued in the review period (371 permits) compared with 475 in the corresponding period for the previous year which is a 21.89% decrease.
- The financial position for Banyule BPI for end of the 2021/22 financial year is a \$180,158 cost (excluding corporate overheads).
- The investigation is consistent and the team continue to address outstanding swimming pool registrations and sites identified by Cladding Safe Victoria as directed by the State Government.

Resolution (CO2022/131)

That Council note the Development Planning and Building Activities Report for the period January to June 2022.

Moved: Cr Tom Melican
Seconded: Cr Alison Champion

CARRIED

5.2 GREVILLE ROAD SHOPPING PRECINCT - REQUEST TO INSTALL BOLLARDS SUMMARY

1. A petition with 57 'eligible' signatures was considered in May 2022, requesting the installation of safety bollards at the Greville Road Shopping Precinct. The petitioners indicated historical incidents where motorists had mounted the footpath and crashed into the building frontages of businesses in Greville Road.
2. Our understanding of these incidents is that they were all unintentional whereby parked motorists have attempted to reverse out of a car space and had been in forward gear and accidentally accelerated onto the footpath.
3. For any bollard to effectively deter vehicles from mounting the footpath, they are required to be 'impact-resistant' with deep and heavy foundations to prevent them from being dislodged. Such bollards do carry a significant cost and are difficult to install due to conflicts with underground services. They should only be considered where the risk of errant vehicles and pedestrian movements are significantly high.
4. It is also that the configuration of street furniture and design of parking on Greville Road is not dissimilar to that of other shopping strips in Banyule. As such, there is no unique reason why the installation of additional bollards within the Greville Road Shopping Precinct is needed and it is recommended they not be supported.
5. A range of strategic documents are being developed to effectively prioritise future capital works investment across all centres within Banyule and to ensure that any works take into account the entire centre. Future streetscape works in Greville Road Shopping Precinct could consider a focus on infrastructure to improve safety along shop frontages.

Resolution (CO2022/132)

That Council:

1. Note that the installation of additional bollards in the Greville Road Shopping Precinct is not supported.
2. Note that strategic work is underway to guide future capital investment across Banyule's major, minor and neighbourhood centres including Greville Road Shopping Precinct. Future streetscape works can consider a focus on infrastructure that increases safety along these shop frontages.
3. Undertakes consultation with the traders of the centre to explore options for some interim beautification works and maintenance before the strategic work is completed.
4. Advise the primary petitioner of this resolution.

Moved: Cr Fiona Mitsinikos
Seconded: Cr Alison Champion

CARRIED

5.3 WALLACE STREET, IVANHOE - TRAFFIC SPEED AND VOLUME CONCERNS INVESTIGATION

Councillor Melican left the Chamber at 7:31pm. Councillor Melican returned to the Chamber at 7.31pm.

There were 2 speakers on this item.

Nathan Stirling and Peter Baranow addressed Council in person.

SUMMARY

1. At its meeting on 7 February 2022, Council considered a petition regarding a number of traffic and parking issues along Wallace Street, Ivanhoe and resolved to refer the matter to the Transport Team for further investigation about issues and solutions for traffic speed and volume on Wallace Street, Ivanhoe and for a report to a future Council Meeting.
2. New counts were undertaken in March 2022 and the survey data collected reflects consistency with the previous results collected in 2018 and are within the range which is expected for local street of similar nature.
3. Accordingly, the traffic data does not support the installation of traffic calming infrastructure along Wallace Street at this time.
4. Turn ban restrictions have been considered but will cause significant disruption to local residents, visitors and those motorists who have a genuine cause to access the area. Controls such as this are also expected to shift the motorists to other local roads, this option is also not considered a suitable option.
5. There are no suitable locations along Wallace Street where a road closure can be achieved due to existing infrastructure constraints such as power poles and street trees.
6. Wallace Street does not meet the criteria for 40km/h speed limit in accordance with the Department of Transport's 'Speed Zoning Policy', whose approval is required for installation.

Resolution (CO2022/133)

That Council:

1. Undertake consultation as soon as possible and before December 2022 with Wallace Street residents and the 10th Ivanhoe Scouts Group regarding the implementation of two (2) angled 2 lane slow point in Wallace Street and the changes to parking required to implement.
2. Receives a Report on the outcomes from the consultation undertaken by December 2022.
3. Note that the request for 'resident only' parking was investigated in accordance with Council's 'On-Street Parking Management Framework' and that parking occupancy levels did not meet the criteria for 'resident only' parking. Advice was provided to the primary petitioner.
4. Note that turn bans at the intersection of Livingstone Street and Wallace Street and at the intersection of Kenilworth Parade and Upper Heidelberg Road are not supported as they would shift motorists to other surrounding streets and limit access to residents in the area and businesses located along Upper Heidelberg Road.
5. Advise the primary petitioner of this resolution.

Moved: Cr Alida McKern
Seconded: Cr Tom Melican

CARRIED

5.4 2 BEVERLEY ROAD, HEIDELBERG - RECONSTRUCTION OF WARRINGAL PARK OVAL (P704/2022)

SUMMARY

- This application is for the reconstruction of the Warringal Park Oval.
- The proposal seeks to replace the existing ground cover with a new free draining sand profile and turf surface in addition to upgrading other assets on the oval including the irrigation and drainage systems, perimeter fencing, cricket wicket, goal posts and storage cage.
- No vegetation is proposed for removal.
- As a local government project subject to Clause 52.31, the proposal was exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987*.
- The proposed works will enhance recreational opportunities for the community and improve the efficiency of the site's irrigation and drainage systems without impacting on overland flow paths or significant areas of natural habitat.
- Melbourne Water are the relevant drainage authority in relation to the changes proposed and do not object to the proposal subject to conditions included in the recommendation.
- The proposal should be supported subject to permit conditions.

Resolution (CO2022/134)

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P704/2022 for Buildings and works associated with the reconstruction of an open sports ground on land affected by a Land Subject to Inundation Overlay and Environmental Significance Overlay at 2 Beverley Road HEIDELBERG subject to the following conditions:

General

1. 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.

Tree Protection Measures

2. Tree protection fencing must be erected/installed around all existing trees surrounding the perimeter of the oval, prior to the commencement of any works, to ensure that no physical damage occurs to the trees or their root systems, to prevent the compaction of soil and to prevent the storage of any materials near tree trunks, to the Responsible Authority's satisfaction.
3. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plans or exempt from planning

permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Drainage

4. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.

NOTE:

Any connection to Council's drainage system

- (a) Within the road reserve must be carried out under a Memorandum of Consent for Works; and/or
- (b) Other than within a road reserve must be carried out under a Drainage Connection Permit;

This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

5. Effluent or polluted drainage must not be allowed to discharge beyond the boundaries of the subject land onto other land or any street or road or directly or indirectly into any watercourse.

Melbourne Water

6. Fill within the floodplain must be kept to a minimum in accordance with the 'CUT AND FILL SUBGRADE PLAN' (Sheet No. 08, Feb 2022) or as otherwise agreed to the satisfaction of Melbourne Water to allow for the maintenance of floodplain storage.
7. Any new fencing and gates within the floodplain must be an open style of construction to allow for the passage of floodwaters.
8. Prior to the commencement of works, a SEMP prepared by a suitably qualified professional must be submitted to and approved by Melbourne Water. The SEMP must include:
 - (a) Detailed pollution and sediment control measures which ensure that a pollution and sediment laden runoff is not discharged directly or indirectly into Melbourne Water's drains or waterways;
 - (b) Vegetation management techniques;
 - (c) Access tracks;
 - (d) Spoil stockpiling;
 - (e) Machinery/plant locations;
 - (f) Exclusion fencing around native vegetation and habitat.

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:
- (a) The development is not commenced within two years of the date of this permit;
 - (b) The development is not completed within four years of the date of this permit.

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

- Before the permit expires, or
- Within six months afterwards, or
- Within 12 months afterwards if the development started lawfully before the permit expired.

Moved: Cr Peter Castaldo
Seconded: Cr Tom Melican

CARRIED

6. OUR VALUED COMMUNITY ASSETS AND FACILITIES

Nil

7. OUR THRIVING LOCAL ECONOMY

7.1 CONSIDERATION OF SUBMISSIONS - GREENSBOROUGH TOWN CENTRE SPECIAL RATE AND CHARGE

There was one speaker on this item.

Noella Jacobs addressed Council in person.

SUMMARY

1. This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Rate and Charge Scheme for the "Greensborough Town Centre" (Town Centre).
2. Following the Ordinary Meeting of Council on Monday 9 May 2022 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* for the declaration of the Special Rate and Charge, the public notice of Council's intention to declare a Special Rate and Charge for the Town Centre was advertised in the "*Herald Sun*" on Tuesday 17, May 2022 and placed on Council's public website.
3. A separate notice, advising of Council's intention to declare the Scheme was mailed by ordinary post on Wednesday, 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday, 17 June 2022. Council received by this date a total of seven submissions in support of the proposed Scheme and zero objections.
6. The Greensborough Chamber of Commerce has indicated their request for a representative to appear in person before Council.

Resolution (CO2022/135)

That Council:

1. In respect of Council's published intention to declare a Special Rate and Charge for The Greensborough Town Centre ("Proposed Special Rate and Charge"); and

Having –

- (a) received and considered submissions received under section 223 of the *Local Government Act 1989 and Local Government Act 2020*; and
 - (b) taken account the fact that no objections were received under section 163B of the *Local Government Act 1989*–
2. Hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Rate and Charge, and to give its reasons for its decision, at a future Ordinary Meeting of Council to be held in September 2022.

Moved: Cr Mark Di Pasquale

Seconded: Cr Alison Champion

CARRIED

7.2 CONSIDERATION OF SUBMISSIONS - WATSONIA SPECIAL CHARGE

There was one speaker on this item.
Hesham Mobarek addressed Council in person.

SUMMARY

1. This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Charge Scheme for the Watsonia Shopping Centre ("Shopping Centre")
2. Following the Ordinary Meeting of Council on Monday, 9 May 2022 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* for the declaration of the Special Charge, the public notice of Council's intention to declare a Special Charge for the Shopping Centre was advertised in the "*Herald Sun*" on Tuesday, 17 May 2022 and placed on Council's Internet website.
3. A separate notice, advising of Council's intention to declare the Scheme was mailed by ordinary post on Wednesday 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday, 17 June 2022. Council received by this date a total of six written submissions in support of the proposed Scheme and no objections.
6. The Watsonia Traders Association has indicated via email their request for a representative to appear in person before Council on the 15 August 2022.

Resolution (CO2022/136)

That Council:

1. In respect of Council's published intention to declare a Special Charge for The Watsonia Shopping Precinct ("Proposed Special Charge") and having –
 - (a) received and considered submissions received under section 223 of the *Local Government Act 1989* and *Local Government Act 2020*; and
 - (b) taken account the fact that no objections were received under section 163B of the *Local Government Act 1989*.
2. Hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Charge, and to give its reasons for its decision, at a future Ordinary Meeting of Council to be held in September 2022.

Moved: Cr Mark Di Pasquale
Seconded: Cr Rick Garotti

CARRIED

7.3 CONSIDERATION OF SUBMISSIONS – EAGLEMONT VILLAGE SPECIAL CHARGE

SUMMARY

1. This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Charge Scheme for the “Eaglemont Village Shopping Precinct” (“Shopping Precinct”).
2. Following the Ordinary Meeting of Council on Monday 9 May 2022 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* for the declaration of the Special Charge, the public notice of Council’s intention to declare a Special Charge for the Shopping Precinct was advertised in the “*Herald Sun*” on Tuesday 17, May 2022 and placed on Council’s public website.
3. A separate notice, advising of Council’s intention to declare the Scheme was mailed by ordinary post on Wednesday 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday 17 June 2022. Council received by this date a total of nine submissions in support of the proposed Scheme and zero objections.
6. The Eaglemont Village Traders Association has indicated their request for a representative to appear in person before Council.

Resolution (CO2022/137)

That Council:

1. In respect of Council’s published intention to declare a Special Charge for The Eaglemont Village Shopping Precinct (“Proposed Special Charge”) and having –
 - a. received and considered submissions received under section 223 of the Local Government Act 1989 and Local Government Act 2020; and
 - b. taken account the fact that no objections were received under section 163B of the Local Government Act 1989.
2. Hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Charge, and to give its reasons for its decision, at a future Ordinary Meeting of Council to be held in September 2022

Moved: Cr Peter Castaldo
Seconded: Cr Tom Melican

CARRIED

7.4 CONSIDERATION OF SUBMISSIONS - MACLEOD SPECIAL CHARGE**SUMMARY**

1. This report is to enable Council to formally consider the written submissions and objections received regarding the proposed Special Charge Scheme for the Macleod Village Shopping Centre (Shopping Centre).
2. Following the Ordinary Meeting of Council on Monday, 9 May 2022 and in accordance with the statutory process under the *Local Government Act 1989* and the *Local Government Act 2020* for the declaration of the Special Charge, the public notice of Council's intention to declare a Special Charge for the Shopping Centre was advertised in the "*Herald Sun*" on Tuesday 17 May 2022 and placed on Council's Internet website.
3. A separate notice, advising of Council's intention to declare the Scheme was mailed by ordinary post on Wednesday 18 May 2022 to all owners and occupiers of the properties included in the proposed Scheme, with a copy of the public notice.
4. The public notice advised that any person may make a written submission under sections 163A and 223 of the *Local Government Act 1989*. The public notice further advised that any person who was required to pay the Special Charge (whether an owner or an occupier of a property included in the Scheme) had a right to object or endorse the proposed declaration and may also make a written submission to Council under section 163B of the *Local Government Act 1989*.
5. The closing date for submissions and objections was 4pm Friday 17 June 2022. Council received by this date a total of two written submissions in support of the proposed Scheme and no objections.
6. There were no requests to be heard at the Council meeting on the 15 August 2022.

Resolution (CO2022/138)

That Council:

1. In respect of Council's published intention to declare a Special Charge for The Macleod Village Shopping Precinct ("Proposed Special Charge") and having –
 - (a) received and considered submissions received under section 223 of the *Local Government Act 1989* and *Local Government Act 2020*; and
 - (b) taken account the fact that no objections were received under section 163B of the *Local Government Act 1989* –
2. Hereby resolves to receive and consider a further report and to make a final decision on the Proposed Special Charge, and to give its reasons for its decision, at a future Ordinary Meeting of Council to be held in September 2022.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

8. OUR TRUSTED AND RESPONSIVE LEADERSHIP

8.1 PROPERTY TRANSACTIONS REPORT FOR THE SIX MONTH PERIOD ENDING 30 JUNE 2022

SUMMARY

1. At its Ordinary Meeting on 11 July 2016, Council requested six-monthly reports identifying all land acquired, disposed, transferred or exchanged by Council.
2. This report provides an update to Council and the community where settlement of land and property transactions occurred in the six-month period from 1 January 2022 to 30 June 2022.
3. This information is presented to Council in February and August yearly.

Resolution (CO2022/139)

That Council:

1. Notes this report which identifies the land and property acquired, transferred, exchanged or sold by Council in the preceding six months ending 30 June 2022.

Land Sold/Exchanged

Address	Zone	Description	Area m ²	Price Incl. GST
Rear of 7 Dunstan Street, Macleod	GRZ	Discontinued Road	56	\$21,714
Part of 419 Upper Heidelberg Road, Ivanhoe	RGZ	Public playground	966	\$1.10
Part of 12-16 Mountain View Road, Montmorency	GRZ	Vacant land	168	\$1.10

Land Acquired/Exchanged

Address	Zone	Description	Area m ²	Price Incl. GST
Part of 421 Upper Heidelberg Road, Ivanhoe	PPRZ	Part of Yarra Valley water tank site	2081	\$1.10
Part of 1 Allens Road, Montmorency	GRZ1	Residential property	146	\$1.10

2. Notes a further report will be presented to Council in February 2023 identifying the land and property acquired, disposed, transferred or exchanged by Council in the preceding six months ending 31 December 2022.
3. Notes a separate report will be presented to Council identifying the Council land impacted by North East Link permanent and temporary land acquisitions.

Moved: Cr Alison Champion
Seconded: Cr Rick Garotti

CARRIED

8.2 AWARD OF CONTRACT NO 1198-2022 "RECONSTRUCTION OF BEVERLEY RD OVAL"**SUMMARY**

1. This report is to consider the awarding of Contract No.1198–2022 for “Reconstruction of Beverley Road Oval” within Warringal Parklands.
2. As part of the 2022/23 Capital Works program, Council invited submissions from suitably qualified contractors for the reconstruction of Beverley Road Oval. Project works include earth works, drainage works, irrigation works, root zone mix installation, turfgrass establishment, concrete works and fencing, and associated works.
3. Tenders were advertised in The Age and on Council’s website. During this period, forty-two (42) companies downloaded the tender documents, and eight (8) submissions were received by the closing time.
4. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Evergreen Turf Group Pty Ltd in accordance with the tender and conditions as determined by Council.

Resolution (CO2022/140)

That Council:

1. Award Contract No. 1198-2022 “Reconstruction of Beverley Road Oval to Evergreen Turf Group Pty Ltd for \$1,587,919 (ex. G.S.T)
2. Note that the installation of the 1.1m perimeter fence will be a black post and rail fence only and not include the black PVC coated chain mesh.
3. Allocate additional funding of \$226,711 from the Public Open Space Reserve required to deliver the project.
4. Authorise the Director of Asset & City Services to sign the contract and any other associated documents.

Moved: Cr Peter Castaldo
Seconded: Cr Tom Melican

CARRIED

8.3 FINANCIAL MANAGEMENT REPORT - PRELIMINARY JUNE 2022 PERFORMANCE

SUMMARY

1. The Financial Management Report - Preliminary June 2022 Performance is the actual unaudited financial results for June 2022 against the adopted budget 2021/22.
2. The June Preliminary Financial Management Report (as attached) provides assessment of the following:
 - Financial Performance - key income and expenditure actual operating results against budget, including COVID-19 financial impacts on operations and the 2021/22 Economic Support Package initiative.
 - Capital Works Expenditure – summary of actual spend and budget.
 - Investment activity – compliance against the current Investment Policy
 - Other key financial indicators – Rates Outstanding, Accounts Receivable, Balance Sheet and Cash Flow statements
3. The unaudited financial result for the period ended 30 June 2022 is preliminary and is subject to change pending finalisation of year-end adjustments including assessment of:
 - Accruals and prepayments
 - EOFY unearned income review
 - Valuation adjustment
 - Capitalisation of expenditure
 - Depreciation and amortisation adjustment
4. The Audited Financial Report for the year ended 30 June 2022 will be presented to Audit and Risk Committee on 23 September 2022.

Financial Performance

5. The Adopted Budget 2021/22 surplus is \$14.58m. The preliminary June 2022 Actual Operating Surplus for the year is **\$10.09m** and compares unfavourably to budget by \$4.49m.
6. The actual to budget results are primarily related to the lower than expected receipt of capital government grants; reduced fees and charges income due to COVID-19 service closures; agency cost expensed from the capital budget (CAPEX), and partially offset by gains on asset disposals.
7. The 2021/22 result will be further impacted by pending year-end adjustments. Currently the preliminary underlying operating result is a **\$0.42m** underlying surplus. The budgeted underlying deficit adopted was \$1.19m.
8. Capital works expenditure is **\$39.178m** (adopted budget: \$66.745m). The amount of capital works expenditure to be carried forward to the 2022/23 financial year will be determined once the financial statements have been completed, including all accruals and prepayments.

Resolution (CO2022/141)

That Council note:

1. The Financial Management Report – Preliminary Performance for the period ended 30 June 2022
2. The preliminary operating surplus of \$10.09m against the adopted surplus budget of \$14.58m for the year ended 30 June 2022.
3. The audited Financial Statements for the period ended 30 June 2022 will be presented to Audit and Risk Committee on 23 September 2022.
4. The audited Financial Statements for the period ended 30 June 2022 will be considered for 'In Principle' approval by Council on 26 September 2022.

Moved: Cr Rick Garotti

Seconded: Cr Alison Champion

CARRIED

8.4 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY 19 - 22 JUNE 2022

SUMMARY

1. Local government leaders from around Australia gathered in Canberra from 20 – 22 June 2022 for the 28th National General Assembly of Local Government (NGA).
2. Banyule Council attendees included Cr Peter Castaldo, Cr Peter Dimarelos, Cr Elizabeth Nealy, Cr Tom Melican and Allison Beckwith, Chief Executive Officer.
3. In keeping with the theme of the Assembly 'Partners in Progress', councillors committed to partnering with the Australian Government to progress critical reforms, including:
 - o National productivity,
 - o Climate change transition,
 - o Closing the Gap,
 - o Housing affordability including increased social housing, appropriate road safety reforms,
 - o Restoring integrity of federal funding to local government, and
 - o Improved local delivery of community services.
4. The Assembly committed to progressing the next step of Closing the Gap and passed a motion supporting the Uluru Statement from the Heart.
5. The Assembly heard from leading economists that local government is the most productive level of government yet collects just 4% of national taxation revenue.
6. The Assembly agreed that councils need more sustainable and transparent formula-based funding to restore integrity to federal funding of local government.
7. Further, they noted the essential federal funding support to local communities and called on the Government to review Financial Assistance Grants and restore them to at least 1 percent of Commonwealth taxation revenue
8. It is important to note that there were 106 policy initiatives that were adopted at the Assembly that will be implemented over the course of the coming months.
9. The purpose of this report is to adhere to the principles of accountability and transparency of Councillor attendance at conferences and seminars, to highlight to the Banyule Community the importance of the National General Assembly of Local Government and the impact that national advocacy can have on the sector, and to report back on any outcomes, learnings and advocacy that is occurring as a result of the Assembly.

Resolution (CO2022/142)

That Council:

1. Receive and note the Officer Report relating to the Australian Local Government Association (ALGA) – National General Assembly 19- 22 June 2022;
2. Note that **Attachment 1** to this Report details the summary of presentations and discussions and highlights several 'call to action' recommendations associated with each;

3. Note that 106 policy initiatives were adopted by the ALGA National General Assembly that will be implemented over the course of the coming months;
4. Request for a future report to be presented back to the Community via the Council as reasonably practicable on the implementation at a national level of each motion; and
5. Acknowledge and note the importance of the annual Australian Local Government Association – National General Assembly, and the importance of collaboration between local government agencies at local, state and national level.

Moved: Cr Tom Melican
Seconded: Cr Peter Castaldo

CARRIED

8.5 AUDIT & RISK COMMITTEE MINUTES 17 JUNE 2022**SUMMARY**

1. The Audit & Risk Committee is an Advisory Committee of Council and its role is determined by the *Local Government Act 2020*. The responsibilities and terms of reference of the Audit & Risk Committee are defined in the Committee's Charter.
2. The *Audit & Risk Committee Charter* states the minutes of each meeting of the Audit & Risk Committee are required to be reported to an Ordinary Council Meeting.
3. Consequently, the Minutes of the meeting held on the 17 June 2022 are being circulated for noting by Council.
4. The minutes are subject to confirmation by the Audit & Risk Committee at its next meeting, scheduled for 22 September 2022.

Resolution (CO2022/143)

That Council note the unconfirmed Minutes of the Audit & Risk Committee meeting held on 17 June 2022

Moved: Cr Peter Castaldo
Seconded: Cr Elizabeth Nealy

CARRIED

8.6 RECORD OF COUNCILLOR MEETINGS**SUMMARY**

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 17 August 2020 adopted the Banyule Governance Rules. The Governance Rules, Chapter 6 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, meet the following definition:

If there is a meeting of Councillors that:

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

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

Record of Meetings

1	Date of Meeting:	11/07/2022
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	Community Satisfaction Survey Waste Rate Update Inclusive Banyule	
	Councillors Present:	
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy		
Staff Present:		
Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Governance & Communication</i> Tania O'Reilly – <i>Manager Finance & Procurement</i> Allister Crawford – <i>Strategic Development & Performance Coordinator</i> Philip Ryan – <i>Revenue Services Coordinator</i> Sherryn Prinzi – <i>Community Impact Coordinator</i> Laura Mannix – <i>Social Policy & Planner Team Leader</i> Jo Wilson – <i>Manager Resilient & Connected Communities</i>		
Others Present:		

	NIL	
	Conflict of Interest:	NIL

2	Date of Meeting:	18/07/2022
	Type of Meeting:	Pre- Council meeting Briefing
Matters Considered:		
<p>Ivanhoe Sports Precinct Plan Consultation Outcomes Reconciliation Action Plan Annual Update - Year 1 89 Marshall Street, Ivanhoe - Development of four dwellings (P1280/2021) Social Infrastructure Framework 2022-2032 Banyule City Council's Annual Procurement Plan - 2022/23 Council Meeting Prayer Record of Councillor Meetings</p>		
Councillors Present:		
<p>Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy</p>		
Staff Present:		
<p>Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i></p>		
Others Present:		
NIL		
	Conflict of Interest:	NIL

3	Date of Meeting:	18/07/2022
	Type of Meeting:	Cemeteries Trust Meeting
Matters Considered:		
<p>Class B Cemetery Trust - Protective Data Security Plan (PDSP) - Attestation</p>		
Councillors Present:		

Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy	
Staff Present:	
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Gina Burden – <i>Manager Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i> Jan Richardson – <i>Cemetery Administration & Support Officer</i>	
Others Present:	
NIL	
Conflict of Interest:	NIL

4	Date of Meeting:	25/07/2022
	Type of Meeting:	Councillor Development Workshop
	Matters Considered:	
	Councillor Development	
	Councillors Present:	
	Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Rick Garotti Alida McKern Tom Melican Fiona Mitsinikos Elizabeth Nealy	
	Staff Present:	
Allison Beckwith - <i>Chief Executive Officer</i>		
Others Present:		
NIL		
Conflict of Interest:	NIL	

5	Date of Meeting:	01/08/2022
	Type of Meeting:	Councillor Briefing

Matters Considered:	
Ivanhoe Aquatic Centre Stage 2 Redevelopment - Consultation and Concept Options Assessment North East Link - Advocacy Update / Next Steps Advisory and population committee report 2021-22 Boulevard Christmas Lights 2022 Inclusive Employment Program for 22/23FY	
Councillors Present:	
Peter Castaldo Alison Champion Peter Dimarelos Mark Di Pasquale Alida McKern Tom Melican Elizabeth Nealy	
Staff Present:	
Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Nicole Maslin – <i>Manager Healthy & Active Communities</i> Shawn Neilsen – <i>Communications, Advocacy & Engagement Coordinator</i> Jonathan Risby – <i>Manager Transport & Environment</i> Megan Kemp- <i>Executive & Councillors Team Leader</i>	
Others Present:	
NIL	
Conflict of Interest:	NIL

Resolution (CO2022/144)

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

Moved: Cr Alison Champion
Seconded: Cr Fiona Mitsinikos

CARRIED

9. SEALING OF DOCUMENTS

Nil

10. NOTICES OF MOTION

10.1 VOLUNTEER GUIDELINES FOR FRIENDS OF GROUPS WHO OPERATE ON COUNCIL OWNED OR MANAGED LAND

Councillor Champion left the Chamber at 8.44pm.

TAKE NOTICE that it is my intention to move:

Resolution (CO2022/145)

That a report be presented to Council regarding:

1. The development of a Banyule Volunteer Framework.
2. Inclusion of guidelines for environmental volunteers working on Council land to be incorporated as a subset of the broader proposed Banyule Volunteer Framework
3. A process for Council collaboration with the Banyule community, including existing Friends groups and other environmental volunteers to prepare the guidelines

Moved: Cr Alida McKern

Seconded: Cr Peter Castaldo

CARRIED

Councillor Champion returned to the chamber at 8.48pm

11. GENERAL BUSINESS

11.1 BOOK LAUNCH: CHRISTIAN WALLER STAINED GLASS TOWARDS THE LIGHT

Councillor Alida McKern was the MC of the launch of the Caroline Miley book "Christian Waller Stained Glass Towards the Light" at Ivanhoe Library and Cultural Hub on September 17 2022.

11.2 VALE BRIAN ROBERTS

Councillor Alida McKern acknowledged the work and community contributions of the late Brian Roberts, member of the Friends of Eaglemont Village. Brian and his wife June were both valued members of the Friends of Eaglemont Village and of the community as a whole.

11.3 ARTS SALON OPENING AT IVANHOE LIBRARY AND CULTURAL HUB

Councillor Alison Champion attended the opening of Banyule's Arts Salon held at ILCH. Residents are given the opportunity to submit their artwork which will then be arranged by Banyule's Arts and Culture Team for display at ILCH. This year's theme is 'Outside These Four Walls', is free to view until Thursday September 29 2022 in Gallery 275. Additionally Loft 275, 'Thou Art Mum' artworks are on display until Sunday August 31 2022.

11.4 YOUTH SUMMIT RECOMMENDATIONS

Mayor Elizabeth Nealy attended and spoke at the Banyule Youth Summit Report Card on Tuesday August 2 2022. Young people presented outcomes from the 2021 Banyule Youth Summit Recommendations. Deputy Mayor Champion, Councillors Melican and Castaldo also attended.

Closure of Meeting to the Public

That in accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council close the Meeting to members of the public prior to considering the confidential matters in 12.1.

Moved: Cr Rick Garotti
Seconded: Cr Fiona Mitsinikos

CARRIED

The Meeting was closed to the public at 8.55pm in order to discuss Item 12.1 Cartmell St Project – Additional Public Assets Information.

Item 12.1 was designated confidential pursuant to section 3(g) of the *Local Government Act 2020*, as it contains confidential information relating to private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets' or if release would unreasonable expose the business, commercial or financial undertaking to disadvantage.

Council did not determine to release any of the resolution relation to 12.1 Cartmell St Project – Additional Public Assets Information to the public and therefore the resolution is not included in the meeting minutes in line with Council's obligations under section 125 of the *Local Government Act 2020*.

Closure of Meeting

The Meeting was closed at 10.12pm.

DATED: DAY OF 2022

.....
MAYOR

**THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD ON MONDAY, 5
SEPTEMBER 2022 .**

PUBLIC QUESTION TIME

1	<p>Name & Suburb Roger Marcus Fyfe, Ivanhoe</p>																								
	<p>Question: (Original question submitted on 18 July 2022 – partially answered on 18 July 2022 Council Meeting)</p> <p>Council determined to exhibit a DRAFT BANYULE RESIDENTIAL PARKING PERMIT POLICY (Item 4.2 9/5/22 Meeting). The existing plan has approximately 2,500 residential parking permits in use.</p> <p>The revised plan proposes to combine three residential precincts in the Ivanhoe area.</p> <p>What are the number of residential parking permits in each of those in each of these current precincts, broken down by:</p> <p>Number of permits per dwelling: 4, 3, 2, 1?</p>																								
	<p>Response:</p> <p>Reference is made to your question regarding the draft Banyule Residential Parking Permit Policy as part of the Council Public Question Time at the meeting of 18 July 2022.</p> <p>The relevant data is now available in relation to your question.</p> <p>The number of residential parking permits in areas 59, 60 and 61 split into the number of permits per property is as follows:</p> <table border="1"> <thead> <tr> <th>Area</th> <th>Total permits</th> <th>1 Permit</th> <th>2 Permits</th> <th>3 Permits</th> <th>4 Permits</th> </tr> </thead> <tbody> <tr> <td>59</td> <td>8</td> <td>2</td> <td>1</td> <td>0</td> <td>1</td> </tr> <tr> <td>60</td> <td>37</td> <td>18</td> <td>6</td> <td>1</td> <td>1</td> </tr> <tr> <td>61</td> <td>51</td> <td>25</td> <td>9</td> <td>0</td> <td>2</td> </tr> </tbody> </table> <p><i>Natasha Swan – Director City Development</i></p>	Area	Total permits	1 Permit	2 Permits	3 Permits	4 Permits	59	8	2	1	0	1	60	37	18	6	1	1	61	51	25	9	0	2
Area	Total permits	1 Permit	2 Permits	3 Permits	4 Permits																				
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61	51	25	9	0	2																				

2	<p>Name & Suburb Anonymous</p>
	<p>Question: I'm aware of a number of people that are associated with council or councillors that oppose the Woolworths / Rosanna Library partnership and planning application but are not prepared to put in objections to either sale of land or the planning application due to perceived bias and repercussions – how would they make an anonymous submission to have their voices heard?</p>
	<p>Response:</p> <p>Objections to a planning permit application must include a name and property address. Any objection to a planning application received is considered by the Development Planning team in accordance with the requirements of the Planning and Environment Act 1987.</p> <p>In general, however, it is possible to make a submission to the sale of land process with the submitter's details provided and accompanied by a request to remain anonymous. In this instance the submitter's name will not be printed publicly. Anonymity is allowed so that everyone is able to be heard and can participate in civic life. There is no separate meeting for anonymous submitters to present their view to Councillors in a private forum.</p> <p>The statutory sale of land process for the Woolworths/Rosanna library partnership was completed 2021.</p> <p><i>Natasha Swan – Director City Development</i></p>

3	<p>Name & Suburb Anonymous</p>
	<p>Question:</p> <p>Given Fabcot / Woolworths permit application (P1260/2016 PT 4) for both the Rosanna Library and the attached supermarket contains the following wording:</p> <p>“altering the proposal for other development including MULTI-DWELLING, commercial, industrial..”</p> <p>and</p> <p>“CHANGING any or ALL of the CONDITIONS which apply to the permit..“</p> <p>can council advise as to how this relates to the section 173 agreement which states there is a 10 year prevention of anything other than a supermarket and as to what date that 10 year period commences?</p>
	<p>Response:</p> <p>The proposed amendment to Planning Permit P1260/2015 seeks to include new permit permissions as well as amend existing permit conditions.</p> <p>The sale of land authorised in the Council resolution of 4 October 2021 requires that a section 173 agreement is required to be entered into and registered on title as part of the contract of sale and this is required prior to settlement.</p> <p>The amendments sought to the permit as part of the current application will not alter this requirement for the section 173 or the detail within.</p> <p><i>Natasha Swan – Director City Development</i></p>

4	<p>Name & Suburb Alicia Curry, Rosanna</p>
	<p>Question: I will be lodging a Freedom on Information request in relation to the Woolworths and Rosanna Library, however as a number of key people such as Ruth Robles, the project manager for the partnership development has left Banyule Council employment, could council confirm that all documentation, emails and other communication has been maintained for past employees and contractors to maintain transparency and integrity?</p>
	<p>Response:</p> <p>All documentation and other communication in relation to the Rosanna Library project is saved to a central system that can be accessed by Council officers working on the project. The comprehensive body of information will be handed to the next Project Manager in its entirety.</p> <p><i>Natasha Swan – Director City Development</i></p>

5	<p>Name & Suburb Anonymous</p>
	<p>Question: I'm a member of a number of private facebook groups and follow council's facebook page and I notice there is a growing number of fake, (often new) facebook accounts that post all manner of fake news to the public and sometimes antagonise real members of the public - so what is council's official policy in relation to reporting or relying on any opinions expressed through facebook?</p>
	<p>Response:</p> <p>Council consistently monitors our Facebook comments and avoid interfering with freedom of expression where possible. The practice is to respond with accurate information or, if necessary, hide comments from public view if it is considered misinformation, bullying, harassment, or defamatory. There is also the option of blocking users in extreme cases.</p> <p><i>Gina Burden – Manager Corporate Governance & Communications</i></p>

6	Name & Suburb Anonymous
	Question: Does council have the ability to discern whether facebook users that follow their official page are adults, residents of Banyule, ratepayers or registered on the electoral roll?
	Response: No, Council cannot discern whether Council's Facebook followers are adults. Facebook policy states that a person needs to be at least 13 years old to create an account. Council can only view what is publicly available on our followers' profile. Details such as residential or electoral roll status are not mandatory requirements in a Facebook profile. <i>Gina Burden – Manager Corporate Governance & Communications</i>