

Minutes of the Ordinary Meeting of Council



Held on the 17 October 2022

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

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CLOSURE OF MEETING.....26
MINUTES

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 (arrived 7:20pm), Cr Mark Di Pasquale, Cr Alida McKern, Cr Tom Melican, Cr Fiona Mitsinikos

Allison Beckwith – Chief Executive Officer, Natasha Swan – Director City Development, Marc Giglio – Director Corporate Services, Kath Brackett – Director Community Wellbeing, Darren Bennett – Director Assets & City Services, Gina Burden – Manager Corporate Governance & Communications, Krysten Forte – Governance Coordinator, Amy Woollcombe – Council Business Officer

Apologies

Cr Peter Dimarelos

Leave of Absence

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 26 September 2022

Moved: Cr Tom Melican

Seconded: Cr Fiona Mitsinikos

CARRIED

Disclosure of Interests

Presentation – Ageism Awareness Day and Victorian Seniors Festival

The Mayor provided an overview of the Victorian Seniors Festival, and shared a video that the Age Friendly Team at Banyule City Council developed sharing inspiring older adults and senior groups in the Banyule community

The presentation celebrated the 40 years of Victorian Seniors Festival, which runs through the month of October which is very important to our community and our Council, including Ageism Awareness Day which was on 7 October 2022.

1. PETITIONS

2.1 PETITION - 11 LIVINGSTONE STREET AND IVANHOE PLAZA SHOPPING CENTRE - REQUEST FOR AN UPGRADE OF AMBER FLASHING LIGHTS TO A FULL SET OF TRAFFIC LIGHTS

A written statement was read out on behalf of Ted Smart

SUMMARY

1. A petition titled '11 Livingstone Street and Ivanhoe Plaza Shopping Centre – Request For An Upgrade Of Amber Flashing Lights' to a Full Set of Traffic Lights was received and signed by 68 signatories in support of the Petition.
2. There are 52 signatures from within Banyule and 14 signatures outside Banyule. Of the 52 signatures from within Banyule there are 51 from Ivanhoe and 1 from Heidelberg.
3. The petition request is summarised as follows:

Please find enclosed 68 petitions from citizens of Banyule, that are very concerned and actively pursue an upgrading of the flashing amber pedestrian crossing to a full set of traffic lights and upgraded night lighting.

We request Banyule City Council activity pursue & support our request by all means possible, including writing to Vic Roads 60 Denmark St Kew 3101 to action our petition.

We are gravely concerned that currently the pedestrian crossing no longer provides adequate safety and is now a matter urgency for Traffic lights & improved lighting.

Attached are 2 current photographs of the Amber Flashing Light poles, 1 is bent & facing into the footpath & the other is hidden by branches & tree.

The volume of traffic along Livingstone Street has increased dramatically over the years as has the number of pedestrians!

Ivanhoe Primary School student numbers have increased along with the massive local population due to the increase of high density living.

This has impacted on pedestrians wanting to cross the road!

Since its instalment the amber flashing crossing has required a school crossing supervisor to make it safe during school starting and finishing times (2 hours per day!)

There are a number of near misses on a daily basis due to vehicles ignoring pedestrians & poor street lighting!

Resolution (CO2022/182)

1. That the petition be received; and
2. That the petition be referred to the Transport Engineering Team for consideration and response.
3. A Report be brought back to Council this year.

Moved: Cr Alida McKern
Seconded: Cr Tom Melican

CARRIED

2. OUR INCLUSIVE AND CONNECTED COMMUNITY

3.1 RENT RELIEF FOR SHOP 48 TENANTS

Phil Conrick addressed Council in person

Cr Alison Champion arrived at Chambers at 7:20pm

SUMMARY

1. The community organisations and services based at Shop 48 are dedicated to supporting the vulnerable communities of Banyule and have assisted Council with emergency relief and economic recovery activity throughout the pandemic period.
2. In 2022, the community organisations and services based at Shop 48 are still dealing with the impact of the COVID-19 pandemic and demand for services and support programs, including food relief have increased.
3. In response to COVID-19 impacts affecting Shop 48 tenants, Council resolved in April 2020 to *'Waive fees, charges and rent (where applicable for Council tenants)'* and in September 2020 further resolved to *'Continue to provide rent relief by waiving the 2020/21 second quarter rental payable by eligible affected commercial tenants in Council owned buildings'*.
4. Council has received several desk fee relief requests from tenants at Shop 48 to extend this waiver for the 2022/23 financial year.
5. To support the ongoing delivery and sustainability of these vital organisations and services in the 2022/23 financial year amidst continued pandemic challenges, an extension of desk fee relief for the 2022/23 financial year is recommended.

Resolution (CO2022/183)

That Council:

1. Support all community organisations and services based at Shop 48 by providing desk fee relief through waiving the 2022/23 financial year rental payable.
2. Note that regardless of any waiver endorsed, Council's payment to Miles Real Estate of approximately \$93,657 including GST for the rental of Shop 48 for the 2022/23 financial year period, is to be paid by Council through the operational budget

Moved: Cr Tom Melican

Seconded: Cr Fiona Mitsinikos

CARRIED

3.2 WATSONIA AFTER DARK- ANNUAL REPORT 2021-22**SUMMARY**

1. The Watsonia After Dark project is being delivered in partnership with Yarra Plenty Regional Library, Watsonia Branch and the Watsonia Neighbourhood House. This report provides Council with a status update on Year 1 outcomes.
2. Watsonia After Dark aims to reduce gambling harm through the provision of alternative after hours activities in Watsonia with the view these activities will promote alternative social connection opportunities for residents.
3. The interim outcomes of the project are difficult to ascertain due to COVID-19 disruptions and limited evaluation.
4. Year 2 of the Watsonia After Dark project is being implemented between July 2022 and June 2023. It is anticipated that with improved evaluation measures, the impact of the project can be determined in late 2023.

Resolution (CO2022/184)

That Council:

1. Notes the Watsonia After Dark Annual Progress Report.
2. Advises Watsonia Library and Watsonia Neighbourhood House to adopt improved project evaluation measures through collecting the following data in Year 2 of the project:
 - a. Whether activities have attracted residents who would otherwise participate in gambling activities
 - b. Whether activities have provided a valued alternative to participating in gambling
 - c. Whether participants have previously engaged in Watsonia Library or Watsonia Neighbourhood House activities
 - d. Whether activities have provided a new social connection for participants
3. Receives a final Watsonia After Dark Evaluation Report in late 2023.

Moved: Cr Mark Di Pasquale

Seconded: Cr Rick Garotti

CARRIED

3.3 DRAFT SPORTING FACILITIES USER GUIDE & ALLOCATION POLICY AND DRAFT SPORTING FACILITIES CAPITAL WORKS POLICY - RELEASE FOR COMMUNITY CONSULTATION

SUMMARY

1. The purpose of this report is for Council to endorse the draft Sporting Facilities User Guide and Allocation Policy (SFUG) and draft Sporting Facilities Capital Works Policy for the purpose of community consultation.
2. Council has recently reviewed the Sporting Facilities User Guide (formally Sporting Reserve User Guide) and Allocation Policy, **Attachment 1**, which establishes the general terms and conditions that seasonal sporting clubs (AFL, Soccer, Cricket, Baseball) must abide by and provides the basis for allocating sporting facilities to clubs on a seasonal basis.
3. Officers have recommended introducing two key changes to the draft Sporting Facilities User Guide (SFUG):
 - o Reducing pre-season training for winter clubs prior to Christmas to support ground rejuvenation and maintenance programs; and
 - o Inclusion of on-costing of utility fees and providing clubs with one seasonal invoice
4. The draft Sporting Facilities Capital Works Policy **Attachment 2** is a new document and applies to the development of new, and upgrades of existing sports facilities on land that is owned and managed by Council.
5. The purpose of the policy is to provide a clear and consistent framework to Council's approach to the development and provision of new and upgraded sports facilities that are seasonally allocated. There are some sections of the policy that are relevant to leased sporting facilities as well.
6. Sports Club and community feedback will be welcome and facilitated through Shaping Banyule for a four-week period, with feedback and any further recommendations presented back to Council by December 2022.

Resolution (CO2022/185)

That Council:

1. Endorse the draft Sporting Facility User Guide and Allocation Policy, and draft Sporting Facilities Capital Works Policy (Attachments 1 and 2), for a Four (4) week Community consultation period via Shaping Banyule from the 18 October to 15 November 2022.
2. Advises all relevant sporting clubs of these documents and invite feedback and comment through Shaping Banyule platform, during the consultation period.
3. Receive a further report in December 2022 to report on consultation outcomes, and any recommended changes or additions for consideration in the final adoption of the draft Sporting Facility User Guide and Allocation Policy and draft Sporting Facilities Capital Works Policy.

Moved: Cr Rick Garotti
Seconded: Cr Peter Castaldo

CARRIED

3.4 JAMES RESERVE - RESPONSE AND RECOMMENDATIONS TO PETITION

Wendy Anne Palliser addressed Council in person

John Walkley addressed Council in person

SUMMARY

1. The purpose of this report is to provide an update about the investigations undertaken in relation to the petition – James Reserve Relocation of Soccer.
2. A Master Plan for James Reserve was adopted by Council in April 2021 that presents a long-term vision to service current and future community needs including both passive and active recreation. Refer attachment 1
3. 77 submissions of support were received at the 20 May 2022 Council Meeting with 21 ineligible signatories for a total of 56 complete signatories.
4. In summary the petition is objecting to the use of James St Reserve for soccer and is requesting that Council reduce the number of games, relocate the soccer club and retain James Reserve as primarily a passive recreational reserve. Council has also received emails from other residents advising of opposition to petition and support for Master Plan implementation
5. Officers have met with both the Club and spoken with the primary petitioner to understand objections, and this has highlighted some tension between the principal petitioner and the Tenants – Heidelberg Eagles around behaviours and actions from both parties.
6. Officers have also been scrutinising current and future use of Heidelberg Eagles to explore options and potential for them to utilise Cartledge Reserve for some matches as it has capacity and superior facilities to accommodate some shared use with existing tenants Heidelberg Stars. This option has been discussed with both clubs and Heidelberg Stars are reluctant to consider, citing that they need exclusive use to accommodate additional teams in 2023.
7. James Reserve is and will continue to support active recreation in the form of soccer, however there are some opportunities to explore decreasing the intensity of active competition through some shared use with Cartledge Reserve.
8. In the short-term Officers will work on improving the relations between the Club and petitioners whilst continuing to investigate options for decreasing senior activity at James Reserve through shared use at Cartledge Reserve by start of season in February 2023.

Resolution (CO2022/186)

That Council:

1. Notes the adopted Master Plan for James Reserve role as an active as well as passive open space that will continue to support soccer participation for the community in the future.
2. Continue to further investigate options to reduce the number of competitive games at James Reserve through shared use at Cartledge Reserve for senior competition and maintain James Reserve for juniors and training.

3. Notes that officers will continue to engage with the club and local resident/s to further understand issues and tension overuse and discuss expectations and acceptable behaviours to support respect and enjoyment for everyone utilising the Reserve.
4. Advise the primary petitioner of above and that any changes to the use and allocation at James Reserve are subject to further investigations including confirmation from Football Victoria of the number of senior teams in the 2023 season for the Heidelberg Stars at Cartledge Reserve and agreement by both clubs on shared use.

Moved: Cr Rick Garotti
Seconded: Cr Alida McKern

CARRIED

4. OUR SUSTAINABLE ENVIRONMENT

Nil

5. OUR WELL-BUILT CITY

5.1 DEVELOPMENT PLANNING - UPDATE ON ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

Wendy Hames addressed Council in person

Councillor Garotti left the Chamber at 7:57 pm.

Councillor Garotti returned to the Chamber at 8:00 pm.

SUMMARY

1. This report provides an update on Environmentally Sustainable Development (ESD) in relation to planning applications, including a trial of the Green Factor tool, ESD compliance inspections progress, planning scheme changes supporting all electric developments and upcoming improved energy efficiency requirements to the 2022 building code.
2. Banyule City Council's Development Planning team completed a trial of the Green Factor tool to evaluate its effectiveness in improving planning decisions, with further details outlined in **Attachment 1**.
3. There is currently no policy basis to applying the Green Factor tool in planning assessments, therefore the uptake of the tool would currently be voluntary.
4. The Green Factor tool is one of two metrics included in the proposed particular provision for the Elevating ESD Targets project to demonstrate meeting the 'Green Infrastructure' objective. It is recommended that no further action is to be undertaken with respect to the Green Factor tool until the outcome of the Elevating ESD Targets Project and/or the State Government's ESD Roadmap is released (estimated end of 2022 calendar year).
5. Alternative planning mechanisms to improving green design of developments are recommended and an approach for encouraging greater understorey planting (where appropriate) to townhouse developments is to be explored in the interim.
6. State-wide Planning Scheme Amendment VC221 was gazetted on the 4th August 2022, which facilitates all-electric developments.
7. Building Ministers finalised the energy efficiency requirements of the National Construction Code 2022 (NCC 2022), including improved minimum NatHERS Star ratings for new homes being raised to 7 Stars to take effect from 1 October 2023.

8. Banyule City Council's Development Planning team completed 16 ESD compliance inspections in the 2021/2022 financial year with three developments noted as compliant, six identified to be non-compliant and the remaining seven were unknown as insufficient information was provided to determine compliance.

Resolution (CO2022/187)

That Council:

1. Await the outcome of the Elevating ESD Targets particular provision and the State Government's ESD Roadmap to be released (estimated end of 2022 calendar year) and in the interim, encourage that planning applicants use the Greenfactor tool for appropriate planning applications on a voluntary basis.
2. Review the tree planting ratios prescribed in Council's Residential Neighbourhood Character Policy as part of Housing Strategy and Neighbourhood Character review.
3. Note that an approach for encouraging greater understorey planting in developments is to be explored by the Development Planning team.
4. Requested to be updated in relation to the progress of the Elevating Targets Project in Stage 2 of the ESD Roadmap in April 2023.
5. Note that the Development Planning Team will take an appropriate transitional approach to the assessment of planning applications in anticipation of the National Construction Code 2022 (NCC 2022) changes which come into effect on October 2023.

Moved: Cr Alida McKern

Seconded: Cr Alison Champion

CARRIED

5.2 AMENDMENT C165 - UPDATED HERITAGE OVERLAY - PANEL REPORT SUMMARY

1. Banyule Planning Scheme Amendment C165 (C165) seeks to implement the recommendations of the Banyule Heritage Study 2020. As exhibited, the amendment

proposed to apply the Heritage Overlay to 21 individual heritage places on a permanent basis and alter the extent of an existing heritage place HO82 'Taruna House'.

2. The Amendment was exhibited from 7 February to 18 March 2022 and Council received eight submissions, four opposed, three requesting changes and one in general support. Council resolved on 9 May 2022 to refer submissions to Amendment C165 to an independent planning panel (Panel). A Panel hearing was held on 11 August 2022.
3. Council has received the Panel Report (included at **Attachment 1**) which recommends the Amendment be adopted as exhibited, subject to refinements consistent with Council's submission to Panel.
4. The Panel found the Banyule Heritage Study 2020, on which the Amendment is based, was completed in a rigorous and professional manner and that the Amendment is strategically justified.
5. In line with the Panel's recommendation, it is recommended Council adopt Amendment C165 and submit to the Minister for Planning for approval.
6. The Banyule Heritage Study 2020 (at **Attachment 2**) has been revised to accommodate the changes supported by Panel. It provides the strategic basis for the Amendment and will be included in the Planning Scheme as a background document. It is recommended the revised document be adopted by Council.
7. Interim heritage controls for places included in Amendment C165 were approved by the Minister for Planning via Amendment C163 and Amendment C164 and are due to expire on 1 December 2022.
8. A request via Planning Scheme Amendment C171 under 20A of the *Planning and Environment Act 1987* has been made asking the Minister for Planning to extend the interim controls by six months until 1 May 2023. This allows time for C165 to be considered for adoption by Council, submitted to, and considered for approval by, the Minister for Planning.

Resolution (CO2022/188)

That Council:

1. Note and accept the recommendations of the Panel report, as shown in Attachment 1, in accordance with Section 27(1) of the *Planning and Environment Act 1987*.
2. Adopt Amendment C165 to the Banyule Planning Scheme as exhibited, subject to changes included in the Panel preferred version of the Heritage Overlay Schedule at Appendix B of the Panel report, in accordance with Section 29 of the *Planning and Environment Act 1987*.
3. Adopt the updated Banyule Heritage Study 2020 (Revised September 2022) as shown at Attachment 2.
4. Submit Banyule Planning Scheme Amendment C165 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
5. Note the request to the Minister for Planning to prepare Amendment C171 under section 20A of the *Planning and Environment Act 1987* to extend the interim heritage

overlay applied to properties by Amendment C163bany and Amendment C164bany for 6 months until 1 May 2023, with the exception of 46 Panorama Avenue, Lower Plenty.

Moved: Cr Peter Castaldo
Seconded: Cr Alison Champion

CARRIED

5.3 16 MOUNTAIN VIEW ROAD, MONTMORENCY - MONTMORENCY BOWLING CLUB EXTENSION (P823/2022)

SUMMARY

1. The proposal relates to the construction of an extension to the Montmorency Bowling Club building. The extension will accommodate additional patrons and improved services.
2. The section of the subject site where the addition is proposed was recently acquired by Council in a land swap agreement.
3. The acquired section of the site is located within the Neighbourhood Residential Zone – Schedule 3 (NRZ3) and therefore a permit is required to use this part of the land for a Restricted Recreation Facility.
4. Clause 52.31 of the Banyule Planning Scheme exempts the building and works component of the project with a planning permit required for the use of land within the section of land covered by the Neighbourhood Residential Zone.
5. A total of two objections were received during the public notification period raising concerns relating to fencing and noise impacts from a proposed decking area. It is noted that the proposed deck area is located on the part of the site covered by the Public Park and Recreation Zone and therefore a permit is not required for the use of this part of the site and is not subject to this application. Additional boundary fencing is proposed to address these concerns.
6. The use of the land for a restricted recreation facility within the Neighbourhood Residential Zone supports the existing use that is currently undertaken in the adjoining Public Park and Recreation Zone and will facilitate the additions to the existing facility to meet the future needs of the community.
7. The proposal should be supported subject to conditions.

Resolution (CO2022/189)

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Notice of Decision to Grant a Planning Permit** in respect of Application No. P823/2022 for Use of the Land for a Restricted Recreation Facility at 16 Mountain View Road MONTMORENCY subject to the following conditions:

Layout Not to Be Altered

1. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Expiry of permit

2. 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 use is not commenced within four years of the date of this permit; or
 - (b) The use is discontinued for a period of two years.

Moved: Cr Alison Champion

Seconded: Cr Mark Di Pasquale

CARRIED

6. OUR VALUED COMMUNITY ASSETS AND FACILITIES**6.1 307-325 WATERDALE ROAD, BELLFIELD - OPERATIONS DEPOT - PROPOSED VISY LEASE****SUMMARY**

1. Council holds a Lease with Visy Paper Pty Ltd (Visy) for use of part of the Operations Depot at 307-325 Waterdale Road, Bellfield.
2. Visy operates a recyclable materials recovery and sorting facility at the site and the current lease expires on 30 June 2023.
3. The proposed lease is for a term of 10 years commencing 1 July 2023 with two three-year options. The commencing rent is \$817,170.07 per annum (GST excl) and subject to a 3% annual fixed increase and market rent adjustments.
4. A Gate Fee Agreement accompanies the Lease, where Council will exclusively supply to Visy, and Visy will take, all recyclable materials collected by or on behalf of Council. The Agreement will commence 1 year earlier on 1 July 2022 for the duration of the lease. It should be noted that the parties have negotiated a retrospective commencement date.
5. Council is now required to decide whether or not to enter the Lease and Gate Fee Agreement with Visy.

Resolution (CO2022/190)

That Council:

1. Enter a Lease with Visy Paper Pty Ltd for use of part of the Operations Depot at 307-325 Waterdale Road, Bellfield for a term of 10 years with two three-year options commencing 1 July 2023 at a commencing rent of \$817,170.07 plus GST per annum.
2. Enter a Gate Fee Agreement with Visy Paper Pty Ltd commencing 1 July 2022 for the duration of the lease.
3. Authorise the Chief Executive Officer to sign the Lease and Gate Fee Agreement and any other associated documents.

Moved: Cr Tom Melican
Seconded: Cr Peter Castaldo

CARRIED

6.2 UNSUCCESSFUL WORLD GAMES FUNDING - YALLAMBIE PARK PAVILION SUMMARY

1. This report presents the outcome of the State Government World Games Funding application of \$350,000 submitted in March 2022 to support construction of Yallambie Park Pavilion change rooms.
2. Council has recently been advised that this application was unsuccessful. This was the second unsuccessful application that Council has submitted for this project, with the previous unsuccessful application submitted in October 2021.
3. With a Council budget allocation of \$350,000 for construction in 2022/23 the detailed design has been completed and costing for construction is estimated at \$850,000 for female friendly changerooms, umpires changerooms, and a first aid room.
4. With the unsuccessful funding application there is now a budget shortfall of an estimated \$500,000 and this project cannot be delivered in 2022/23 with Council budget alone.
5. Yallambie Park Pavilion is home to the Banyule City Soccer Club. The Club currently have three senior men's teams and two senior women's teams.
6. The pavilion has no internal toilet and one set of open showers. The Club and visiting teams utilise the onsite public toilet for changerooms and toilet. The public toilet block is scheduled for upgrade in 2023/24 financial year.
7. Due to the lack of amenities at Yallambie, Council Officers have investigated a viable option to relocate the Club's female team for 2023 winter season to Banyule Flats Reserve. This is supported by Football Victoria.
8. Banyule Flats Reserve is home to Banyule City Soccer's junior club, this pavilion was redeveloped in 2019 and is suitable for senior teams.

Resolution (CO2022/191)

That Council:

1. Notes the unsuccessful funding application for Yallambie Park Pavilion via the State Government World Game Funding round and notifies the Banyule City Soccer Club of this outcome.
2. Continue to work with Banyule City Soccer Club with relocation of their Women's teams to Banyule Flats for the 2023 season.
3. Consider the construction of the pavilion in the 2023/24 financial year as part of future budget considerations noting the additional capital expenditure of \$500,000 needed to complete the project.
4. Continue to advocate for external support funding to support this project.

Moved: Cr Fiona Mitsinikos

Seconded: Cr Mark Di Pasquale

CARRIED

7. OUR THRIVING LOCAL ECONOMY

Nil

8. OUR TRUSTED AND RESPONSIVE LEADERSHIP

8.1 AWARD OF CONTRACT 1163-2022 CONSTRUCTION OF WATERDALE ROAD POCKET PARK AND STREETScape

Roger Fyfe addressed Council in person

SUMMARY

1. This report is to consider the awarding of Contract No. 1163-2022 - Construction of Waterdale Road Pocket Park and Streetscape.
2. Council sought submissions from suitably qualified and capable civil contractors for the construction of Waterdale Road Park and Streetscape located in between Norman Street and Upper Heidelberg Road, Ivanhoe. The extent of this contract includes works necessary for the construction of the streetscape and associated works.
3. Expression of Interest (EOI) was advertised in October 2021 and Nine (9) contractors submitted. EOIs were evaluated by the TEP and Four (4) of the contractors were shortlisted to tender for the project.
4. Tenders were invited and received from all Four (4) shortlisted contractors.
5. Based on the tenders received, the southern end park has been excluded from the proposed works.
6. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Ace Contractors Group Pty Ltd in accordance with the tender and conditions as determined by Council.
7. The contract will commence upon award of the contract.

Resolution (CO2022/192)

That Council:

1. Award Contract No. 1163-2022 – Construction of Waterdale Road Pocket Park and Streetscape to Ace Contractors Group Pty Ltd for the lump sum price of \$1,450,715.36 (ex. G.S.T).
2. Authorise the Director of Assets & City Services to sign the contract and any other associated documents.

Moved: Cr Alida McKern

Seconded: Cr Peter Castaldo

CARRIED

Official Statement from the Mayor Regarding the Annual Report 2021/2022

Before Item 8.2 was discussed, the Mayor introduced the item and highlighted that the Annual Report for the 2021/2022 year reports on the annual implementation of the Council Plan 2021-25.

8.2 ANNUAL REPORT 2021/2022**SUMMARY**

1. Banyule's Annual Report 2021/22 is a report to our community in relation to the achievement of Banyule's strategic direction as set out in its Council Plan 2021-2025 and Budget 2021-2025, and contains a Report of Council's Operations, audited Performance Statement of Council and audited Financial Statement of Council.
2. The Annual Report 2021/22 was approved in principle by Council and certified by Council representatives, the Chief Executive Officer and the Principal Accounting Officer, on 26 September 2022, for submission to the Victorian Auditor General in line with *section 99 (2) of the Local Government Act 2020*.
3. The Victorian Auditor General's Office must provide a copy of their report on the performance statement and financial statements to Council and the Minister for Local Government, as soon as reasonably practicable.
4. In line with *section 100 (2) of the Local Government Act 2020*, Council must hold a meeting to present the annual report at a Council meeting open to the public within 4 months of the end of the financial year.

Resolution (CO2022/193)

That Council:

1. Receives and notes the Annual Report 2021/22 (incorporating the Report of Operations, Performance Statement and Financial Report) as presented by the Mayor in accordance with *section 100 (1) of the Local Government Act 2020*.
2. Make available the Annual Report 2021/22 on Council's website and copies be made available for inspection at Council's Service Centres.
3. Note that no changes were made from when Council adopted the accounts 'in principle'.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

8.3 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:	8 September 2022
	Type of Meeting:	Environment and Climate Action Advisory Committee Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Biodiversity Strategy update • Urban Food Strategy • Climate Action quarterly report • North East Link 	
	Councillors Present:	
Cr Alida McKern Cr Peter Castaldo Cr Tom Melican		
Staff Present:		
Jonathan Risby – <i>Manager Transport & Environment</i> Ellie Hall – <i>Acting Coordinator Environment</i> Paul Davis – <i>Biodiversity Adviser</i> Danielle Clarke – <i>Social Policy & Planner Team Leader</i>		
Others Present:		
<ul style="list-style-type: none"> • <i>BECAAC Members;</i> • Kellie Watson • Denise Fernando • Jacinta Humphrey • Alex Tzikas • Lynne Siejka • Jack Ellis 		

	<ul style="list-style-type: none"> • Paul Gale Baker • Michelle Giovas • Trivess Moore • Vicky Rowe • Alex Del Brocco
Conflict of Interest:	Nil

2	Date of Meeting:	19 September 2022
	Type of Meeting:	Councillor Briefing
	Matters Considered:	<ul style="list-style-type: none"> • Community Infrastructure Plan • Mid Term Councillor Induction Program: Topic 3: Conflicts of Interest • Planning Scheme Amended C165 – Proposed Heritage Overlay – Panel Report • Sporting Facilities User Guide and Allocation Policy Draft • Ivanhoe Grammar School – Public Access
	Councillors Present:	<p>Cr Elizabeth Nealy Cr Alison Champion Cr Alida McKern Cr Peter Castaldo Cr Peter Dimarelos Cr Rick Garotti Cr Tom Melican</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> Nicole Maslin – <i>Manager Healthy and Active Communities</i> Niki Efstratiou – <i>Community Infrastructure Planner</i> Megan Kemp – <i>Executive & Councillors Team Leader</i> Linda Chapple – <i>Governance & Council Business Services</i> Amy Woolcombe – <i>Council Business Officer</i></p>
	Others Present:	

Kate Oliver – Maddocks Law Firm
Conflict of Interest: Nil

3	Date of Meeting:	26 September 2022
	Type of Meeting:	Pre-Briefing Council Meeting
	Matters Considered:	
	<ul style="list-style-type: none"> • Ivanhoe Aquatic Centre Stage 2 Redevelopment - Consultation Feedback and Revised Concept Design • Ivanhoe Aquatic Centre Stage 2 Redevelopment - Contract Variation • Advisory Committees Report - April - August 2022 • Award of Contract for Olympic Park Playing Fields Stage 4 • Planning Scheme Amendment C107 - Treetops Adventure Park in Yarra Flats - Extension to Lapse Date • King Street, East Ivanhoe - Kindergarten Redevelopment (P809/2022) • Street Lighting Program - Upgrade to LED • 'In principle' approval of the Financial Statements and Performance Statement for the Year Ended 30 June 2022 • Proposed Declaration of a Special Charge - Watsonia Shopping Centre • Proposed Declaration of a Special Charge - Macleod Village Shopping Centre • Proposed Declaration of a Special Charge – Greensborough Town Centre • Proposed Declaration of a Special Charge – Eaglemont Village • Record of Councillor Meetings 	
	Councillors Present:	
<p>Cr Elizabeth Nealy Cr Alison Champion Cr Alida McKern Cr Peter Castaldo Cr Peter Dimarelos Cr Rick Garotti Cr Tom Melican</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> Roberta Colosimo – <i>Acting Director Community Wellbeing</i> Gina Burden – <i>Manager Governance & Communication</i> Krysten Forte – <i>Governance Coordinator</i> Joel Elbourne – <i>Manager Planning</i> Linda Chapple – <i>Governance & Council Business Specialist</i> Amy Woollcombe – <i>Business Services Officer</i></p>		
Others Present:		
N/A		
Conflict of Interest:	Nil	

4	Date of Meeting:	3 October 2022
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Quarterly Waste Update • Community Infrastructure Plan Workshop 	
	Councillors Present:	
	Cr Elizabeth Nealy Cr Alison Champion Cr Alida McKern Cr Fiona Mitsinikos Cr Mark Di Pasquale Cr Peter Castaldo Cr Tom Melican	
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> Megan Kemp – <i>Executive & Councillors Team Leader</i> Kathy Hynes – <i>Manager Operations</i> Andrew Last – <i>Building Maintenance Coordinator</i> Nicole Maslin – <i>Manager Healthy and Active Communities</i> Sherryn Prinzi – <i>Community Impact Coordinator</i> Niki Efstratiou - <i>Community Infrastructure Planner</i>		
Others Present:		
Nil		
Conflict of Interest:	Nil	

5	Date of Meeting:	10 October 2022
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Outcomes from St Helena Political studies -Matters affecting young people in Banyule and beyond • Uluru Statement from the Heart • Decriminalisation of Sex Work in Victoria • Department of Transport Bus Reform Trials and Flexiride Bus Trial • Customer Service Quarterly Update • Confidential acquisition matters • Agenda for the 17 October 2022 Council meeting • Community Ball administrative matters 	
Councillors Present:		

Cr Elizabeth Nealy Cr Alison Champion Cr Fiona Mitsinikos Cr Mark Di Pasquale Cr Peter Castaldo Cr Rick Garotti Cr Tom Melican	
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> Krysten Forte – <i>Governance Coordinator</i> Zali Mifsud – <i>First Nations Lead</i> Cheree Hunter – <i>Manager Inclusive and Creative Coordinator</i> Joseph Linnestad – <i>Manager Customer Experience & Business Improvement</i>	
Others Present:	
<ul style="list-style-type: none"> • Students from St Helena College • Teacher from St Helena College 	
Conflict of Interest:	Nil

Resolution (CO2022/194)

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

Moved: Cr Fiona Mitsinikos

Seconded: Cr Tom Melican

CARRIED

9. SEALING OF DOCUMENTS

Nil

10. NOTICES OF MOTION

Nil

11. GENERAL BUSINESS**11.1 SENIORS' HIGH TEA**

Cr Mitsinikos reflected on the Seniors' High Tea that was celebrated and attended by the CEO, Councillors and Council members on Friday 14 October at the Heidelberg Golf Club. The next Seniors' High Tea will be held on Thursday, 20 October 2022 and Cr Mitsinikos encouraged booking early to attend the event.

11.2 SHARE THE DIGNITY IT'S IN THE BAG DRIVE

Cr Mitsinikos highlighted the "Share the Dignity" Drive, which is designed in helping women who are experiencing homelessness and hardship in the Banyule community.

Cr Mitsinikos provided information on ways to provide support and comfort to those women in need and explained the donation box process. .

The sorting of donated products will be held at the Old Shire Offices in Heidelberg on Sunday 18 November 2022 and Cr Mitsinikos encouraged all to participate.

11.3 CAT PROTECTION SOCIETY GREENSBOROUGH 75TH BIRTHDAY

Cr Di Pasquale advised that for 75 years, the Cat Protection Society in Greensborough has been caring for and rehoming abandoned, surrendered and forgotten Victorian cats in need, providing them with their second chance at health, love and happiness.

Cr Di Pasquale highlighted that on Sunday 15 of October 2022 the community were invited to the Society's centre in Greensborough to celebrate this incredible milestone.

Cr Di Pasquale congratulated the Cat Protection Society Staff and supporters now and over the past 75 years.

11.4 OPENING NIGHT OF BANYULE OPEN STUDIOS ART EXHIBITION

Cr McKern reflected on the opening night of the Banyule Open Studios which was held at the Ivanhoe Library and Community Cultural Hub. Cr McKern explained that the Banyule Open Studios are an active community supporting and showcasing local art supplied by the local artists. I

Cr McKern encouraged attendance at the event which is due to close on 23 October 2022.

11.5 UPCOMING EVENTS (TEXTILES RECYCLING WORKSHOP)

Cr McKern spoke about upcoming events facilitated by the Sustainable Community Ivanhoe Group.

11.6 BELLFIELD COMMUNITY HUB

The Mayor reflected on the Official Opening of the Bellfield Community Hub on Tuesday 11 October 2022. The Hub brings together many Council services and provides support to families, babies, young children and older adults.

The Bellfield Community Hub offers many and varied facilities which include aged services, social support, early childhood services, large community garden with pizza oven, café, community rooms, maternity and childhood services. There are plans for social housing and market housing still to come.

11.7 FIRST NATIONS JOBS FAIR

The Mayor noted the First Nations Job Fair held on Wednesday 5 October 2022 which she attended. Representatives from three councils (Banyule, Darebin and Whittlesea) came together to support the 30 store holders all offering job vacancies, education and training for First Nation's people.

Over 100 people attended and spoke to the store holders, with some people signing up to jobs then and there.

11.8 NOTE LAST COUNCIL MEETING FOR MAYOR AND DEPUTY MAYOR AND APPRECIATION POST

Comments and sentiments of appreciation and thanks were made to the Mayor and Deputy Mayor on for their commitment to their duties' and services to their fellow Councillors, respective wards and the greater community in their role over the past 12 months. Further opportunities for thanks and appreciation will be shared with Councillors at the upcoming Election of the Mayor and Deputy Mayor 7 November 2022.

PUBLIC QUESTION TIME

The Mayor invited the Director Corporate Services to read out the public questions received for the meeting.

1	<p>Name & Suburb</p> <p>Anonymous</p>
	<p>Question:</p> <p>When council meetings are closed to the public for confidential agenda items, is this part of the meeting video or audio recorded for council records, which would provide a future transparency for council's many property transactions and other important decisions currently made without public review?</p>
	<p>Response:</p> <p>Gina Burden – Manager Corporate Governance and Communications</p> <p>When Council closes the Ordinary Council Meeting to the public and enters into a Confidential Council Meeting pursuant to section 66(2)(a) of the Local Government Act 2020, Council does not make audio or visual recordings of the proceedings of that meeting, only formal meeting minutes are taken.</p> <p>Where the resolution for confidential matters that are presented to Council in a confidential meeting agenda includes a specific provision detailing that the information can be released to the public after Council have resolved on that matter, the Council then have the ability under the legislation to release the information to the public, and do so. This can be found in the Council meeting minutes of that meeting.</p> <p>Matters that are presented to Council in a confidential council meeting are designated as confidential pursuant to section 3(1) of the Local Government Act 2020. Council currently undertakes this process in line with the 2020 Act.</p> <p>In the main, property matters contain private and commercial information, provided by a business, commercial or financial undertaking and that if released, would unreasonably expose the business, commercial or financial undertaken to disadvantage. Council also need to be mindful that information in property reports usually contain Council business and land use planning information, and if prematurely released prejudice Council's position in commercial negotiations and could encourage speculation in land values which impacts third parties, Council and rate payers.</p> <p>It is important to note that Council have a responsibility to also protect the privileged private commercial information of various businesses and third parties, furthermore and</p>

	<p>most importantly, Council is obligated to keep that information confidential until such time as it is able to be communicated.</p>
2	<p>Name & Suburb</p> <p>Anonymous</p> <p>Question:</p> <p>As a resident, I called a councillor (on their council mobile) in relation to a local issue I was concerned about, and although I had not spoken to the councillor previously, they requested to record the call (to which I consented), so would council advise, is this common practice, who has this recording been shared with, and is this recorded conversation the property of Banyule Council?</p> <p>Response:</p> <p>Gina Burden – Manager Corporate Governance and Communications</p> <p>It is not common practice for Councillors to record phone conversations with residents, however with consent obtained there is nothing that precludes a councillor from recording a conversation.</p> <p>Without knowing the particulars of the conversation, it is unknown who, if anyone, this recording has been shared with.</p> <p>All documents, including recordings of conversations via phone made on Council resources/devices are the property of Banyule City Council.</p>
3	<p>Name & Suburb</p> <p>Roger Fyfe, Ivanhoe</p> <p>Question:</p> <p>Does Council's draft Resident Parking Permit Policy address the following issues in it's current form:</p> <ol style="list-style-type: none"> 1. The east Side of Waterdale road driving the process of the enlarged precinct 60 2. Go get cars not being entitled to park in residential streets 3. Short term stay accommodation not be entitled to parking permits. <p>Response:</p> <p>Natasha Swan – Director of City Development</p> <p>Consultation is currently being undertaken on the draft Banyule Residential Parking Permit Policy (BRPPP) 2022. This policy will replace previous versions of this policy. The reason the draft Residential Parking Permit Policy has put forward an enlarged precinct 60 is to allow more opportunity for resident and visitor permits holder to park in proximity to their properties without having to walk a longer distance to find parking in their current zone. Properties on the east side of Waterdale</p>

	<p>Road is an example of this where the closest road they can use their permits on is Ivanhoe Parade.</p> <p>The draft Banyule Residential Parking Permit Policy does not consider the use of parking by car share providers or parking restrictions. It only deals with the provision of parking permits for residents and visitors.</p> <p>In the case of short term stay accommodation provided in a dwelling, the dwelling remains eligible for the same number of visitor parking permits as any other dwelling.</p>
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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 items, 12.1 Watsonia Town Square and 12.2 Potential Strategic Property Acquisition (Update)

Moved: Cr Fiona Mitsinikos
Seconded: Cr Alison Champion

CARRIED

The Meeting was closed to the public at 9:06pm in order to discuss items 12.1 Watsonia Town Square and 12.2 Potential Strategic Property Acquisition (Update).

Items 12.1 and 12.2 have been designated confidential pursuant to section 3(g) of the *Local Government Act 2020*, as they contain 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.

Closure of Meeting

The Meeting was closed at 9:45pm.

DATED: DAY OF 2020

.....
MAYOR

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