

# Minutes of the Ordinary Meeting of Council



**Held on the 9 October 2023**

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

<b>PRESENT .....</b>	<b>3</b>
<b>APOLOGIES.....</b>	<b>3</b>
<b>LEAVE OF ABSENCE .....</b>	<b>3</b>
<b>CONFIRMATION OF MINUTES.....</b>	<b>3</b>
<b>DISCLOSURE OF INTERESTS .....</b>	<b>3</b>
<b>PRESENTATION .....</b>	<b>3</b>
<b>1. URGENT BUSINESS.....</b>	<b>3</b>
<b>2. PETITIONS.....</b>	<b>3</b>
Nil	
<b>3. OUR TRUSTED AND RESPONSIVE LEADERSHIP .....</b>	<b>4</b>
3.1 Award of Contract 1309-2023 East Ivanhoe Preschool Upgrade.....	4
3.2 Instrument of Delegation from Council to the Chief Executive Officer .....	4
3.3 Instrument of Delegation from Council to Members of Council Staff.....	6
3.4 Instrument of Appointment to Authorised Officers under the Planning and Environment Act 1987.....	7
3.5 Instrument of Sub -Delegation and Appointment and Authorisation- Environment Protection Act 2017 .....	8
3.6 Proposed position on MAV State Council Meeting Motions - 13 October 2023 MAV State Council Meeting .....	10
3.7 Record of Councillor Meetings .....	11
<b>4. OUR INCLUSIVE AND CONNECTED COMMUNITY .....</b>	<b>13</b>
4.1 Draft Banyule Gambling Policy for community consultation.....	13
<b>5. OUR SUSTAINABLE ENVIRONMENT.....</b>	<b>15</b>
5.1 Urban Forest Strategy 2022-2032.....	15
<b>6. OUR WELL-BUILT CITY .....</b>	<b>17</b>
6.1 Transport Advocacy Update.....	17
<b>7. OUR VALUED COMMUNITY ASSETS AND FACILITIES.....</b>	<b>18</b>
Nil	
<b>8. OUR THRIVING LOCAL ECONOMY .....</b>	<b>18</b>
Nil	
<b>9. NOTICES OF MOTION.....</b>	<b>18</b>
Nil	
<b>10. GENERAL BUSINESS .....</b>	<b>18</b>
<b>PUBLIC QUESTION TIME.....</b>	<b>19</b>
<b>CLOSURE OF MEETING TO THE PUBLIC.....</b>	<b>22</b>
<b>CLOSURE OF MEETING.....</b>	<b>22</b>

## MINUTES

The Meeting opened at 7.03pm.

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

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

### **Diversity Statement**

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

### **Present**

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

Allison Beckwith – Chief Executive Officer, Marc Giglio Director Corporate Services, Jo Wilson – Acting Director Community Wellbeing, Darren Bennett – Director Assets & City Services, Natasha Swan – Directory City Development, Krysten Forte – Manager Governance & Integrity, Linda Chapple – Governance & Integrity Coordinator, Fletcher Coburn – Councillor Request Management Officer, Paul Rottura – IT Service Desk Team Leader, Duncan Stephen – Jets Facility & Technical Officer, Dom Katsikas – Jets Contractor

### **Apologies**

Cr Fiona Mitsinikos (on a Council granted leave of absence)

### **Leave of Absence**

Nil

### **Confirmation of Minutes**

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 25 September 2023*

Moved: Cr Alida McKern

Seconded: Cr Elizabeth Nealy

CARRIED

### **Disclosure of Interests**

Nil

### **Presentation**

Nil

### **1. URGENT BUSINESS**

Nil

### **2. PETITIONS**

Nil

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### 3. OUR TRUSTED AND RESPONSIVE LEADERSHIP

#### 3.1 AWARD OF CONTRACT 1309-2023 EAST IVANHOE PRESCHOOL UPGRADE SUMMARY

1. This report is to consider the awarding of Contract No. 1309-2023 East Ivanhoe Preschool Upgrade.
2. The works include the demolition of the existing building and playground, and construction of a new building, outdoor area, landscaping (excluding playspace area) and carpark.
3. Tenders were received from nine (9) companies.
4. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Notion Partners in accordance with the tender and conditions as determined by Council.
5. The contract will commence following award of the contract.

#### RECOMMENDATION

That Council:

1. Award Contract No. 1309-2023 East Ivanhoe Preschool Upgrade to Notion Partners for the lump sum amount of \$2,164,000.00 (ex. G.S.T).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

#### Resolution (CO2023/184)

That Council:

1. Award Contract No. 1309-2023 East Ivanhoe Preschool Upgrade to Notion Partners for the lump sum amount of \$2,164,000.00 (ex. G.S.T).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

Moved: Cr Tom Melican

Seconded: Cr Peter Castaldo

CARRIED

#### 3.2 INSTRUMENT OF DELEGATION FROM COUNCIL TO THE CHIEF EXECUTIVE OFFICER

##### SUMMARY

1. Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enable the business of Council to be carried out efficiently and in line with Council approved policies.
2. The current Instrument of Delegation from Council to the Chief Executive Officer, also known as s5 or Schedule 5, was adopted by Council on 29 May 2023 and executed on 30 May 2023.
3. There are no material changes proposed to the Instrument of Delegation from Council to the Chief Executive Officer since last executed on 30 May 2023.

4. Updating and reviewing the Instrument, along with other instruments of delegation Council prepares, is part of the Instrument of Delegation Review Project and supports the good governance, accountability, and transparency principles within the *Local Government Act 2020*.
5. Council subscribes to the Maddocks (Lawyers) Authorisations and Delegations In-Depth Service, which provides advice regarding legislative amendments and the provision of template instruments, which are then tailored to organisational requirements.
6. The proposed Instrument of Delegation from Council to the Chief Executive Officer (s5) is presented to Council for consideration as attached to this Report at **Attachment 1**. Changes have been tracked to demonstrate any changes made since it was last executed.

## RECOMMENDATION

That Council in the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Banyule City Council (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer* (**Attachment 1 to this report**) subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

### Resolution (CO2023/185)

That Council in the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Banyule City Council (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer* (**Attachment 1 to this report**) subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

### 3.3 INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF

#### SUMMARY

1. Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* and enable the business of Council to be carried out efficiently and in line with Council approved policies.
2. Council subscribes to Maddocks (Lawyers) Delegations and Authorisations In-Depth Service which provides a range of schedules for Council to utilise and modify according to their organisational needs in line with relevant legislation.
3. One of the instruments that Maddocks structure and prepare in their service is the Instrument of Delegation from Council to Members of Council staff, also known as Schedule 6 or s6.
4. Council last adopted the s6 on the 29 May 2023 and it was executed on 30 May 2023. In July 2023 Maddocks released, via their In-Depth Service, amendments to the s6 and other instruments in accordance with legislative change and reform.
5. All changes made from the current s6 (adopted 29 May 2023) can be found via track changes in **Attachment 1** – proposed s6).
6. The s6 has been prepared for Council's consideration and provides a schedule of the legislation that only Council can delegate directly to Members of Council staff, and that the Chief Executive Officer is unable to sub delegate under the *Local Government Act 2020*.
7. Members of Council staff from across the organisation have been involved in the consultation process to inform the relevant positions within Council to be 'delegated' the right duties, powers, and functions under each respective piece of legislation to support the implementation of Council's decisions and transact the business of Council effectively and efficiently in line with the laws of the day.
8. Training has been provided to staff on delegations and authorisations to empower staff to understand the review process and allocating staff to specific duties, powers, and functions in line with their subject matter expertise and position description.
9. Details of key updates made to the s6 are detailed in the body of this Report.
10. Updating and reviewing the Instrument, along with other instruments of delegation Council prepares, is part of the Instrument of Delegation Review Project and supports the good governance, accountability, and transparency principles of the Act.
11. The revised Instrument of Delegation from Council to Members of Council Staff (s6) is presented to Council for consideration as attached to this Report.

#### RECOMMENDATION

That Council in the exercise of the powers conferred by the legislation referred to in the attached instrument (**Attachment 1**) of delegation, resolves that -

1. There be delegated to the members of Council staff holding, acting in, or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.

3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**Resolution (CO2023/186)**

That Council in the exercise of the powers conferred by the legislation referred to in the attached instrument (**Attachment 1**) of delegation, resolves that -

1. There be delegated to the members of Council staff holding, acting in, or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Rick Garotti

Seconded: Cr Elizabeth Nealy

CARRIED

### **3.4 INSTRUMENT OF APPOINTMENT TO AUTHORISED OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987**

#### **SUMMARY**

1. The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.
2. Instruments of Appointment and Authorisation are prepared based on advice from the Maddocks (Lawyers) Authorisations and Delegations In Depth Service, which Council subscribes to.
3. Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation (s11), Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution (s11A).
4. Maddocks recommends that Council execute the appointment and authorisation of authorised officers under the *Planning and Environment Act 1987* because these Acts place limitations on what powers can be sub-delegated, so by issuing the authorisation direct from Council, the risk of decisions being challenged on the basis that the authorisation was not appropriate is mitigated.
5. Authorisations are different to delegations whereby the appointment is made to a natural person that holds a statutory position giving the appointed officer the ability to

undertake the necessary functions listed in the instrument. Delegations on the other hand are made to positions within Council.

6. The Instrument is presented regularly to Council for the purposes of authorising new staff members who have commenced, and their role requires them to do the things necessary as set out in the authorisation.
7. Officers that have also departed the organisation have been removed from the Instrument. No additional powers or duties or authorisations have been added to the Instrument template.

### RECOMMENDATION

That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The members of Council staff referred to in the instrument as attached at **Attachment 1** be appointed and authorised as set out in the instrument;
2. The instrument comes into force immediately as it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

### Resolution (CO2023/187)

That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The members of Council staff referred to in the instrument as attached at **Attachment 1** be appointed and authorised as set out in the instrument;
2. The instrument comes into force immediately as it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

Moved: Cr Elizabeth Nealy  
Seconded: Cr Tom Melican

CARRIED

### 3.5 INSTRUMENT OF SUB -DELEGATION AND APPOINTMENT AND AUTHORISATION- ENVIRONMENT PROTECTION ACT 2017

#### SUMMARY

1. The *Environment Protection Act 2017* (the Act) and *Environment Protection Regulations 2021* (the Regulations) came into effect on 1 July 2021.
2. Under the new Act and Regulations, the scope of Council's role as a regulator has not changed however, there have been changes to the laws and powers of councils, including a new delegation of powers directly from the Environment Protection Authority Victoria (EPA) to councils.
3. Pursuant to section 437(1) of the Act, the EPA has issued an Instrument of Delegation dated 4 June 2021 directly to Council.
4. Following this, Maddocks (Lawyers) advised that Council should now sub-delegate these powers, as conferred by section 437(2) of the Act to Council officers.
5. The attached s18 - Instrument of Sub-Delegation from Council to Members of Council Staff reflects this advice and is presented to Council for adoption.
6. Team realignments, new positions or changes to position titles have been captured through the review process and updated accordingly.



7. It is important to note that the powers contained in the Instrument of Sub-delegation can only be delegated to council staff who are authorised under section 242(2) of the Act.
8. For this reason, both the s18 - Instrument of Sub-Delegation and the s11B - Instrument of Appointment and Authorisation are presented to Council for adoption (**Attachment 1 and Attachment 2**) to this report.

## RECOMMENDATION

That Council In the exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Banyule City Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached s18 Instrument of Delegation (**Attachment 1**) to members of Council staff the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately after the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument.
3. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
4. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
  - a) The members of Council staff referred to in the instruments be appointed and authorised as set out in the s11B Instrument of Appointment and Authorisation (**Attachment 2**).
  - b) The instrument comes into force immediately the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument and remains in force until Council determines to vary or revoke it.

### Resolution (CO2023/188)

That Council In the exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Banyule City Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached s18 Instrument of Delegation (**Attachment 1**) to members of Council staff the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately after the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument.

3. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
4. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
  - a) The members of Council staff referred to in the instruments be appointed and authorised as set out in the s11B Instrument of Appointment and Authorisation (**Attachment 2**).
  - b) The instrument comes into force immediately the Council's Chief Executive Officer and the Mayor signature is affixed to the instrument and remains in force until Council determines to vary or revoke it.

Moved: Cr Elizabeth Nealy  
Seconded: Cr Tom Melican

CARRIED

### 3.6 PROPOSED POSITION ON MAV STATE COUNCIL MEETING MOTIONS - 13 OCTOBER 2023 MAV STATE COUNCIL MEETING

#### SUMMARY

1. The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria and should take a lead role in advocating to the State Government on a variety of issues of concern to local governments in Victoria.
2. The State Council is MAV's governing body and is made up of representation from each member council.
3. Cr Tom Melican was appointed Council's Councillor representative/delegate at the 7 November 2022 Statutory Council Meeting and attends the MAV State Council Meetings with support from Officers.
4. Members can submit business to be considered at the relevant State Council Meeting in accordance with MAV's Strategy 2021-2025.
5. All motions were required to be submitted to the MAV 60 days prior to the meeting.
6. Council did not resolve to admit any motions to the MAV State Council Meeting for 13 October 2023.
7. The MAV released the Business Papers for the 13 October 2023 State Council Meeting on Wednesday 13 September 2023 for all councils to consider.
8. The MAV State Council Business Papers <https://www.mav.asn.au/who-we-are/governance/state-council> encompasses 45 motions, 8 consolidated motions and 8 late motions (total 61 motions) from across the sector.
9. Council's approach to the MAV State Council Meeting is that the Councillor MAV representative/ delegate attends the MAV State Council Meeting and votes on each of the motions presented in the Business Papers in accordance with Council's endorsed position, on behalf of their Council.
10. **Attachment 1** provides Officer's recommended position on each of the 61 motions for Council to consider.
11. Out of the 61 motions, officers recommend that Council support 60 of those motions. One (1) motion – Motion 37 that was submitted by Maribyrnong City Council - *Support for the Small Business Community* is recommended to not be supported.

12. The purpose of this report is for Council to consider the motions and provide Council's position on each, in preparation for the MAV State Council Meeting scheduled for Friday 13 October 2023.

### RECOMMENDATION

That Council:

1. Endorse the proposed Council position on each of the 45 motions, 8 late motions and the 8 consolidated motions (61 motions in total) as presented in the MAV State Council Meeting Business Papers for the MAV State Council Meeting scheduled for Friday 13 October 2023 as found at **Attachment 1**.

### Resolution (CO2023/189)

That Council:

1. Endorse the proposed Council position on each of the 45 motions, 8 late motions and the 8 consolidated motions (61 motions in total) as presented in the MAV State Council Meeting Business Papers for the MAV State Council Meeting scheduled for Friday 13 October 2023 as found at **Attachment 1**.

Moved: Cr Tom Melican

Seconded: Cr Elizabeth Nealy

CARRIED

## 3.7 RECORD OF COUNCILLOR MEETINGS

### SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 14 November 2022 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	<b>Date of Meeting:</b>	Monday 11 September 2023
	<b>Type of Meeting:</b>	Councillor Briefing 6.33pm – 8.54pm
	<b>Matters Considered:</b>	WaterMarc Operation Sandon – Advocacy Position & Presentation on Special Report

	<p>Public Toilet Plan Review                  North East Link Trail options at the Lower Plenty Road Interchange                  Container Deposit Scheme (CDS) Location Update                  Fair Work Legislation Secure Jobs, Better Pay</p> <p><b>General Business</b>                  Update on Operations Depot works.</p>
	<p><b>Councillors Present:</b></p> <p>Cr Peter Castaldo                  Cr Alison Champion                  Cr Mark Di Pasquale                  Cr Rick Garotti                  Cr Alida McKern                  Cr Elizabeth Nealy (left 8.43pm)</p>
	<p><b>Staff Present:</b></p> <p>Allison Beckwith - <i>Chief Executive Officer</i>                  Darren Bennett – <i>Director Assets &amp; 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>Manager Governance and Integrity</i>                  Greg Gale - <i>Manager Assets and Delivery</i>                  Linda Chapple - <i>Governance and Integrity Coordinator</i>                  Joel Elbourne – <i>Manager Planning, Building and Laws</i>                  Michele Purtle – <i>Acting Communications, Advocacy &amp; Engagement Coordinator</i>                  Karen Leeder – <i>Manager City Futures</i></p>
	<p><b>Others Present:</b></p>
	<p><b>Conflict of Interest:</b> Nil</p>

<b>2</b>	<p><b>Date of Meeting:</b> 18 September 2023 6.35pm – 10.15pm</p> <p><b>Type of Meeting:</b> Councillor Briefing</p>
	<p><b>Matters Considered:</b></p> <p>NELP North Package UDLP update                  Statutory Planning Referrals/Delegations and Protocols                  Corporate Services Efficiencies and Opportunities                  Giant Pine Scale, Rosanna Parklands                  Potential Strategic Acquisition Opportunity (update)                  Ivanhoe Grammar School – Chelsworth Park update</p>
	<p><b>Councillors Present:</b></p> <p>Cr Peter Castaldo                  Cr Mark Di Pasquale                  Cr Rick Garotti                  Cr Alida McKern (left 9.15pm)                  Cr Elizabeth Nealy</p>
	<p><b>Staff Present:</b></p>

	<p>Allison Beckwith - <i>Chief Executive Officer</i>  Michael Tanner – <i>Acting Director Assets &amp; City Services</i>  Marc Giglio – <i>Director Corporate Services</i>  Natasha Swan – <i>Director City Development</i>  Kath Brackett – <i>Director Community Wellbeing</i>  Karen Leeder - <i>Manager City Futures</i>  Michele Purtle – <i>Acting Communications, Advocacy &amp; Engagement Coordinator</i>  Megan Kemp – <i>Strategic Executive Assistant to the CEO &amp; Mayor</i>  Joel Elbourne – <i>Manager Planning, Building &amp; Laws</i>  Jonathan Risby – <i>Manager Transport and Environment</i>  Kathleen Petras – <i>Transport Planning &amp; Projects Coordinator</i></p>		
	<p><b>Others Present:</b></p> <p>Jim Waller – <i>Executive Program Director</i>  Sebastian Motta – <i>Director Delivery</i>  Christopher Woodroffe – <i>Deputy Director Communications &amp; Stakeholder Relations – Freeways</i>  Marco DiPietro – <i>Package Director - North</i>  Zac Cvitkovic - <i>AECOM</i>  Deiter Lim - <i>Tract</i>  Stephen Litterick - <i>NEL Norther Alliance</i>  Kim Norton - <i>NEL North Alliance</i></p>		
	<table border="1"> <tr> <td><b>Conflict of Interest:</b></td> <td>N/A</td> </tr> </table>	<b>Conflict of Interest:</b>	N/A
<b>Conflict of Interest:</b>	N/A		

## RECOMMENDATION

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

### Resolution (CO2023/190)

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

Moved: Cr Elizabeth Nealy

Seconded: Cr Alison Champion

CARRIED

## 4. OUR INCLUSIVE AND CONNECTED COMMUNITY

### 4.1 DRAFT BANYULE GAMBLING POLICY FOR COMMUNITY CONSULTATION

**Kevan Hill** from Banyule Ratepayers Action Group addressed Council in person and spoke FOR the Officer recommendation.

#### SUMMARY

1. The purpose of this report is to seek Council's endorsement of the Draft Banyule Gambling Policy 2024 – 2028 (the Draft Policy) **Attachment 1** for community consultation.
2. The Banyule Gambling Policy 2024 - 2028 aims to replace the now-expired Banyule Gambling Policy 2019 – 2022.

3. The Draft Policy that has been prepared acknowledges Council's public health approach to gambling, and details operational, advocacy, planning and health promotion priorities.
4. The Banyule Gambling Policy 2019-2022 included a commitment to membership with the Alliance for Gambling Reform and this will be presented to Council for consideration when the Draft Policy is presented for adoption in early 2024.
5. Subject to Council endorsing the Draft Banyule Gambling Policy 2024-2028 Policy for consultation it is proposed that a consultation period of six (6) weeks commencing 16 October 2023 and concluding 24 November 2023 be undertaken.
6. Community and stakeholder feedback will be collated, analysed, and incorporated in December by Officers and a Proposed Banyule Gambling Policy 2024-2028 Policy will be presented to Council in early 2024 for adoption.

### RECOMMENDATION

That Council:

1. Endorses the Draft Banyule Gambling Policy 2024 – 2028 for a public consultation period of six (6) weeks commencing 16 October 2023 and concluding 24 November 2023 (Attachment 1).
2. Notes that the community consultation will include a dedicated Shaping Banyule page, engagement with Councils Advisory & Population Committees, one (1) professional forum and one (1) community forum which will be face-to-face consultation sessions.
3. Notes that the Proposed Banyule Gambling Policy will be presented to Council in early 2024 for adoption after the community consultation process has concluded and been considered.

### Resolution (CO2023/191)

That Council:

1. Endorses the Draft Banyule Gambling Policy 2024 – 2028 for a public consultation period of six (6) weeks commencing 16 October 2023 and concluding 24 November 2023 (Attachment 1).
2. Notes that the community consultation will include a dedicated Shaping Banyule page, engagement with Councils Advisory & Population Committees, one (1) professional forum and one (1) community forum which will be face-to-face consultation sessions.
3. Notes that the Proposed Banyule Gambling Policy will be presented to Council in early 2024 for adoption after the community consultation process has concluded and been considered.
4. Notes that the focus of the Draft Banyule Gambling Policy addresses a change in scope and language from "individual responsibility" to "harm prevention" and "harm minimisation", shifting the focus to the regulation of systems as a public health issue rather than regulation of individual behaviour.

Moved: Cr Alida McKern

Seconded: Cr Rick Garotti

CARRIED

## 5. OUR SUSTAINABLE ENVIRONMENT

### 5.1 URBAN FOREST STRATEGY 2023-2033

**Michelle Giovias** from **Friends of Banyule** addressed Council in person and spoke FOR the Officer recommendation.

**Jane Crone** addressed Council in person and spoke FOR the Officer recommendation.

**John Fordham** addressed Council in person spoke FOR the Officer recommendation.

#### SUMMARY

1. The 2015 Urban Forest Strategic Plan (UFSP) review is a key deliverable within the 2021/22 Council Plan. In December 2021 the Community was consulted on the draft vision, principles and goals of the proposed Urban Forest Strategy (UFS).
2. On 28 February 2022 Council endorsed the draft UFS framework, including the definition, vision, and principles.
3. Informed by Shaping Banyule feedback (Dec 2021), officers and the Community Reference Group (CRG) developed six (6) strategic focus areas. The strategic focus areas and the prioritisation of draft actions went to community consultation via Shaping Banyule in May 2022.
4. The draft UFS was presented to Council on 5 December 2022 and endorsed for a 12-week community consultation period from 12 December 2022 - 23 March 2023.
5. A total of 94 submissions via Shaping Banyule and 21 written submissions were received, with 81% supporting the draft Urban Forest Strategy, the actions and the measures. The submissions were categorised into 379 distinct topics. The topics and themes have informed changes to the UFS, across three (3) areas:
  - o Content, language and layout
  - o KPIs and Targets
  - o Strategic Areas, Actions and Timelines
6. In response to 94 distinct comments regarding the structure, inclusions, and readability of the Strategy, it has been broken into three key documents:
  - o Urban Forest Strategy – Overview (**Attachment 1**)
  - o Urban Forest Strategy - Implementation Plan (**Attachment 2**)
  - o Urban Forest Strategy - Background Technical Report (**Attachment 3**)
7. The three (3) draft KPIs have been revised to reflect community, councillor, and officer feedback (changes in bold):
  - o 30% Canopy cover across all suburbs – (was 27%) by 2050
  - o 45 % Canopy cover across the local footpath network now includes 'local road network' by 2050
  - o 50% Canopy cover across the open space shared path network *and* 'surrounding playgrounds' by 2050
8. The Strategic Area actions have been refined to reduce the total count to 58 distinct actions.

- 18 Actions use existing council resources.
  - 25 actions are proposed for years 1-3 of the Strategy, establishing the foundation for long-term delivery and success of the targets.
9. Should Council wish to adopt the strategy in its entirety, estimates of total initiative costs (excluding existing operational budgets) over the ten-year strategy are \$7.147 million.
10. The Estimated cost and resources to deliver the Strategy are calculated based on planting approx. 13,650 trees from 2023-2028 seasons to address current vacant street tree sites, open space paths and carry forward funding shortfall of operational tree removals against operational tree replacement.
11. Senior officers have held regular meetings with the North East Link Authority (NELA). Officers have consistently sought documentation and commitments from NELA regarding:
- The planned and actual NELA project vegetation impacts.
  - NELA's commitments and plans to replace tree canopy under its Environment Effects Statement (EES) obligations.
  - NELA committing to resourcing and working with Banyule to plant the right trees, in the right places, at the right time for the benefit of the broader Banyule community.
12. To date, the North East Link Authority (NELA) has not been able to provide the full details off its Tree Canopy Replacement Plan (TCRP), nor been able to commit to supporting, funding and resourcing tree planting actions in Banyule's Urban Forest Strategy. The canopy targets and actions in the UFS strongly align with and support NELA meeting its EES and TCRP obligations. Senior officers continue to meet with NELA and advocate for the above.

## RECOMMENDATION

That Council:

1. Adopts the Proposed *Urban Forest Strategy 2023-2033, Overview (Attachment 1)* and Implementation Plan (**Attachment 2**).
2. Continues negotiation with North East Link Authority (NELA) to explore opportunities for funding and resourcing tree planting actions identified in the Proposed *Urban Forest Strategy 2023-2033*.
3. Receives a further report in relation to the outcome of the negotiations with North East Link Authority (NELA).
4. Refers the resource requirements of the Proposed *Urban Forest Strategy 2023-2033* to the 2023/24 budget process.

## Resolution (CO2023/192)

That Council:

1. Acknowledge and thank the Community Reference Group and the Banyule Environment and Climate Action Advisory Committee and include this acknowledgement at the beginning of the *Urban Forest Strategy 2023-2033*



2. Adopts the Proposed Urban Forest Strategy 2023-2033, Overview (Attachment 1) and Implementation Plan (Attachment 2).
3. Continues negotiation with North East Link Authority (NELA) to explore opportunities for funding and resourcing tree planting actions identified in the Proposed Urban Forest Strategy 2023-2033.
4. Receives a further report in relation to the outcome of the negotiations with North East Link Authority (NELA).
5. Refers the resource requirements of the Proposed Urban Forest Strategy 2023-2033 to the 2024/2025 budget process.
6. Request Officers investigate the potential of tree bonds to protect trees on development sites as an effective enforcement tool, which could ultimately include a trial implementation and request that an Officer report detailing the investigation activities be presented back to Council at a future meeting within the next six (6) to twelve (12) months.
7. Notes that Officers investigate the consideration of rating incentives for residents that have gardens that contribute significantly to the urban forest through the review of Councils 2023-2027 Revenue & Rating Strategy.

Moved: Cr Alida McKern  
Seconded: Cr Tom Melican

CARRIED

## 6. OUR WELL-BUILT CITY

### 6.1 TRANSPORT ADVOCACY UPDATE

**Michelle Giovas** from **Friends of Banyule** addressed Council in person and spoke FOR the Officer recommendation.

**Kevan Hill** from **Banyule Ratepayer Action Group** addressed Council in person and spoke AGAINST the Officer recommendation.

#### SUMMARY

1. Council has an important role to play in advocating for improved transport infrastructure and services, and the Banyule Transport Advocacy Project List (BTAP List – Attachment 1) supports Council's transport advocacy to State and Federal Governments and the Banyule community.
2. Development of the BTAP List is guided by the Banyule Integrated Transport Plan (BITP) and the North East Link (NEL) Project Advocacy List, with the previous BTAP List adopted in April 2022.
3. The BTAP List is made up of priority transport infrastructure projects identified through community engagement undertaken as part of the implementation of Council's transport strategy in accordance with the principles and strategic directions of the BITP.
4. The BTAP list is now due to be updated due to the completion, modification, and addition of several advocacy items. This update will ensure the accuracy and

completeness of the BTAP List, as it continues to be used as a basis for transport advocacy.

5. Both the BTAP List and NEL Project Advocacy List (updated by Council - 6 December 2021) will continue to be used as a basis for transport advocacy.

### RECOMMENDATION

That Council:

1. Adopt the Banyule Transport Advocacy Project List – September 2023 (Attachment 1) to guide transport advocacy discussions with both internal and external stakeholders.
2. Provide the Banyule Transport Advocacy Project List – September 2023 to key State Government agencies including the Department of Transport and Planning.
3. Publicise the Banyule Transport Advocacy Project List – September 2023 on the Banyule Council website to provide transparency on transport priorities to the Banyule community.

### Resolution (CO2023/193)

That Council:

1. Adopt the Banyule Transport Advocacy Project List – September 2023 (Attachment 1) to guide transport advocacy discussions with both internal and external stakeholders subject to the following change;
  - Change the wording of project 52 to Improve accessibility at Ivanhoe Rail Station including providing a DDA compliant pedestrian bridge and providing lifts.
2. Provide the Banyule Transport Advocacy Project List – September 2023 to key State Government agencies including the Department of Transport and Planning.
3. Publicise the Banyule Transport Advocacy Project List – September 2023 on the Banyule Council website to provide transparency on transport priorities to the Banyule community.
4. Write to the Hon Gabrielle Williams MP, Minister for Public and Active Transport and the Hon Matthew Guy, Shadow Minister for Public Transport to request a meeting to discuss the Banyule Transport Advocacy Project List – September 2023 and the implementation of active transports projects.

Moved: Cr Tom Melican

Seconded: Cr Alida McKern

CARRIED

### 7. OUR VALUED COMMUNITY ASSETS AND FACILITIES

Nil

### 8. OUR THRIVING LOCAL ECONOMY

Nil

### 9. NOTICES OF MOTION

Nil

### 10.

### GENERAL BUSINESS

**This Girl Can Campaign**

Cr Champion shared information about free activities currently available throughout Banyule in support of the 'This Girl Can' Campaign which is aimed at inspiring women to get active whenever and however they can. The Campaign originated in the UK in 2015 with Australia adopting the movement in 2018.

Free activities can be found at Watermarc, The Ivanhoe Aquatic Centre and Olympic Leisure Centre. More information can be found on the Banyule Council Website ([Link the website](#)) or the This Girl Can Website ([link the website](#)) .

**Eltham Library - Alan Marshall Portrait**

On September 28, Cr Champion attended the unveiling of the Alan Marshall Portrait which had recently undergone refurbishment and has now been returned to the Eltham Library. The portrait was painted by Alan Martin in 1956 and was a finalist in the Archibald Prize.

Cr Champion reflected that the event was well attended by the local community including family members of Alan Martin, Yarra Plenty Library CEO Jane Cowell, Nillumbik Historical Society, Nillumbik Performing Arts Group, Nillumbik Mayor, Cr Ben Ramcharan and Deputy Mayor Cr Geoff Payne. Although the Library is not located in the City of Banyule the Eltham Library is utilised by many Banyule residents due to its close proximity to Banyule's northern wards.

**Gambling Harm Symposium hosted by Hume City Council**

Cr McKern attended a Gambling Harm Symposium hosted by the Hume City Council on Monday 2 October 2023. The event focused on gambling harm minimisation including stronger regulations for all forms of gambling, funding for gambling services and recognising gambling as a public health issue.

Cr McKern reflected that event was well attended by many councils from across the state and aided in Council's contributions for the Draft Gambling Policy that was presented to Council at the meeting of 9 October 2023.

**Around the Bay - Bicycle Network Australia**

On Sunday 8 October 2023 Cr McKern participated in Around the Bay, facilitated by Bicycle Network Australia along with Cr Nealy, Cr Di Pasquale, Cr Castaldo, Cr Melican and several Banyule Council staff members.

The event is organised to raise vital funds for research and to provide family support for those dealing with Bone Marrow Failure Syndrome. Cr McKern shared statistics that every 3 days in Australia a person is diagnosed with Bone Marrow Failure Syndromes which leads to increased risks of blood cancer.

**Condolences – Mr. Colin Laing (ACM Laing)**

Cr Garotti shared that Council recently received notice that a former City of Heidelberg Councillor, Mr Colin Laing (ACM Laing) had passed away.

Cr Garotti reflected that Colin was Councillor for the Macleod Ward for 16 years and was the Mayor of the City of Heidelberg in 1971 and moved from the area and had been living in Queensland since 1981.

Cr Garotti expressed that on behalf of Council, Councillors offer our sincere condolences to Colin's son John and his family and loved ones at the news of his recent passing

**PUBLIC QUESTION TIME**

<b>1</b>	<p><b>Name &amp; Suburb</b> Jy Sandford</p>
	<p><b>Question</b> Which Councillors have met with My Place Greensborough and what topics were discussed in these meetings?</p>
	<p><b>Response:</b> To our understanding, no formally arranged meetings have taken place between individual Banyule City Council Councillors or a group of Councillors and My Place Greensborough to date.</p> <p>We do know on 13 April 2023 Cr Champion had an informal conversation with three residents at the residents' request and at that time Cr Champion was unaware that the residents were affiliated with My Place. It is unknown whether these members were affiliated with My Place Greensborough or other. Cr Champion was asked without notice on a host of questions in relation to the "20 Minute Neighbourhoods".</p> <p>It is also unknown whether other informal conversations or meetings have taken place to date with a Councillor and a member of My Place if members or residents associated with My Place have not identified themselves as My Place representatives.</p> <p>Whilst Council has an obligation to provide an 'Informal meeting of Councillors' record to Council, if it meets the definition under Council's adopted Governance Rules, there is no requirement for Councillors to record instances of meetings with residents and groups that fall outside of that definition.</p> <p>For completeness, that definition can be found at <b>Chapter 6- Miscellaneous</b> of the Governance rules</p> <p><i>Krysten Forte – Manager Governance and Integrity</i></p>

<b>2</b>	<p><b>Name &amp; Suburb</b> Anonymous</p>
	<p><b>Question</b> Will Council hold an event to coincide with the raising of the transgender flag on Transgender Day of Remembrance?</p>
	<p><b>Response:</b> Transgender Day of Remembrance is acknowledged on Council's Days of Significance Calendar and Council is still in the process of considering whether there will be an event alongside any flag raising on 20 November but the day will be marked in some way through social media or other channels</p> <p><i>Jo Wilson – Acting Director Community Wellbeing</i></p>

<b>3</b>	<p><b>Name &amp; Suburb</b> Jane Crone - Eaglemont</p>
	<p><b>Background Information</b></p>

	<p><b>Question</b></p> <p>The Warringal Conservation Society has only been given until December to vacate their small, capacity filled, storage room which means they may have to dispose of most of their reference and lending library as the Ivanhoe Garden Club had to when moved to the new Hub by Banyule Council.</p> <p>Their room is combined with the small Girl Guides room whilst a marginally larger space is made to accommodate the newly displaced Hawdon Hall users into an aging and not fit for purpose building where the noise of the heater drowns out the speakers and the entrance road and building is difficult to access and the car park is often full and a long distance from the disability ramp.</p> <p>Why has the Warringal Conservation Society only been given until December to vacate this space (storage room) without being explained the reason for this upsetting disruption and without consideration about where they will now store their library, publications and equipment?</p> <p><b>Responsetr:</b></p> <p>The Warringal Conservation Society currently meet at the Old Shire Hall along with other community groups.</p> <p>Due to the lack of appropriate storage space at the site, Council is going to undertake work to upgrade the storage facility at Old shire office by creating a new storage space to accommodate the conservation society, girl guides and all other users of the Old shire office – a great improvement that provides access for all users (new and existing) Council requires the space to be vacant before any works can commence and will work to find alternative space in the interim if required.</p> <p>This upgraded storage will add great value to this community facility and benefit all user groups.</p> <p>Once the work has been completed, the groups will not be compromised on space and access and officers will continue to work proactively with the conservation society to ensure their needs are met.</p> <p><b>Jo Wilson – Acting Director Community Wellbeing</b></p>
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<p><b>4</b></p>	<p><b>Name &amp; Suburb</b> Alicia Curry – Rosanna</p> <hr/> <p><b>Background Information</b></p> <hr/> <p><b>Question</b></p> <p>Given that council has acknowledged that they are unable to verify either authentic Facebook user accounts or verify a Facebook user’s location, it was curious to notice in the recent Toilet Plan Strategy that council cited the reliance of Facebook comments as part of the consultation and feedback.</p> <p>Would council list the community consultations where Facebook comments have been noted or relied on, and whether FB comments were noted or relied on, in project feedback such as the Rosanna Library and Woolworths partnership?</p>
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<p><b>Response:</b> Council provides a range of ways for people to contribute to consultation projects including online and face to face methods.</p> <p>Primarily Council uses its community engagement website Shaping Banyule to collect feedback and uses social media and other communications tools to encourage people to visit the site and have a say.</p> <p>Due to the nature of social media there are times where comments are received directly on the social media platform. Where these comments are relevant and considered feedback to the project open for consultation, they will be considered along with comments received directly through Shaping Banyule or hard copy methods and captured in relevant consultation summary reports as in the case of the Public Toilet Strategy.</p> <p>As direct social media contributions cannot be verified and demographic information cannot be sought, Council continues to encourage visits and contributions to Shaping Banyule to capture the most complete and accurate community feedback.</p> <p><b>Darren Bennett</b> – Director Assets &amp; City Services</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 11.1.

Item 11.1 – Strategic Commercial Opportunity Report was discussed in the Confidential Council Meeting as it was designated as confidential pursuant to section 3(1)(a) and (g) of the *Local Government Act 2020*. The reasons that it has been designated confidential is that the report contains confidential Council business information, being information that could prejudice Council's position in commercial negotiations if prematurely released to the public. The report also contains commercial information, and if released prematurely could unreasonably expose Council's business, commercial or financial undertaking to disadvantage and therefore needs to remain confidential.

Moved: Cr Rick Garotti

Seconded: Cr Alison Champion

CARRIED

### Closure of Meeting

The Ordinary Meeting was closed to the public at 9.30pm.

The Confidential Council Meeting opened at 9.39pm in order to deal with items **11.1 Strategic Commercial Opportunity**.

The Confidential Meeting closed at 9.52pm and did not reopen to the public.

Council resolved to not release any information to the public regarding Item **11.1 Strategic Commercial Opportunity**.

The information remained designated as confidential pursuant to s3(1)(a) and (g) of the *Local Government Act 2020* as the information remains confidential council business information

being information that prematurely released at this point would prejudice Council's position in commercial negotiations.

DATED: ..... DAY OF ..... 2023

.....

MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 30 October 2023.*