

# Minutes of the Ordinary Meeting of Council



**Held on the 30 October 2023**

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

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**MINUTES**

The Meeting opened at 7.02pm.

### **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, Cr Fiona Mitsinikos,

Allison Beckwith – Chief Executive Officer, Marc Giglio Director Corporate Services, Jo Wilson – Acting Director Community Wellbeing, Darren Bennett – Director Assets & City Services, Jonathan Risby – Acting Director City Development, Krysten Forte – Manager Governance & Integrity, Linda Chapple – Governance & Integrity Coordinator, Fletcher Coburn – Councillor Request Management Officer, Rachael Hudson – Council Business Officer, Joe Schipano – IT Service Desk Officer, Shawn Neilsen Manager Advocacy, Communication, Engagement & Performance, David Lelis – Livestream Contractor

### **Apologies**

Nil

### **Leave of Absence**

Nil

### **Confirmation of Minutes**

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 9 October 2023*

Moved: Cr Tom Melican

Seconded: Cr Fiona Mitsinikos

CARRIED

### **Disclosure of Interests**

**Allison Beckwith**, Chief Executive Officer declared a material conflict of interest for **Item 11.3 Confidential Council Meeting Report – Outcomes from the CEO Employment Matters Report** and was not present during the deliberations and decision on this item.

The material conflict of interest is a **direct** conflict of interest, where Allison Beckwith could stand to gain or suffer a loss depending on the outcome of the decision.

**Councillor Dimarelos** declared a material conflict of interest for **item 7.1 Chelsworth Park Sports Pavilion Redevelopment - Proposed Heads of Agreement - Ivanhoe Grammar School** and was not present during the deliberations and decision on this item.

The material conflict of interest is an **indirect** conflict of interest, where Councillor Dimarelos or a member of his family stand to gain or suffer a loss depending on the outcome of the decision.

## Presentation

The Mayor Cr Castaldo presented a video to the Gallery and those watching on livestream on the key highlights from the Annual Report 2022/2023

### 1. URGENT BUSINESS

Nil

### 2. PETITIONS

Nil

### 3. OUR TRUSTED AND RESPONSIVE LEADERSHIP

#### 3.1 ANNUAL REPORT 2022/2023

**Kevan Hill** from **Banyule Ratepayers Action Group** spoke in person and was **AGAINST** the officer recommendation.

#### SUMMARY

1. Banyule's Annual Report 2022/23 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 2022-2026, and contains a Report of Council's Operations, audited Performance Statement of Council and audited Financial Statement of Council.
2. The Performance Statement and Financial Statement 2022/23 were approved in principle by Council and certified by Council representatives, the Chief Executive Officer and the Principal Accounting Officer, on 25 September 2023, 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.

#### RECOMMENDATION

That Council:

1. Receives and notes the Annual Report 2022/23 (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 2022/23 on Council's website and copies be made available for inspection at Council's Service Centres.

#### Resolution (CO2023/186)

That Council:

1. Receives and notes the Annual Report 2022/23 (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 2022/23 on Council's website and copies be made available for inspection at Council's Service Centres.

Moved: Cr Rick Garotti  
Seconded: Cr Tom Melican

CARRIED

### Procedural Motion – Reorder of Council Agenda Papers

That Council request that the business of the agenda be reordered to allow items 5.3 to be discussed next, with the remaining of the business in the agenda to follow.

Moved: Cr Rick Garotti  
seconded: Cr Elizabeth Nealy  
CARRIED

Item 5.3 was discussed and determined by Council prior to item 3.2 and the meeting minutes should be read in this order.

### 3.2 GOVERNANCE RULES STAGE 2 REVIEW FINAL REPORT

**Alicia Curry** addressed council in person and spoke **AGAINST** the officer recommendation.

**Brian Grace** from **Good Governance Banyule** addressed council in person and spoke **FOR** the officer recommendation.

**Michelle Giovas** addressed council in person and spoke **AGAINST** the officer recommendation.

**Jane Crone** addressed council in person and is spoke **AGAINST** the officer recommendation.

**Roger Fyfe** addressed council in person and spoke **FOR** the recommendation.

### SUMMARY

1. The Stage 2 Governance Rules review (Stage 2 Review) commenced in April 2023. The Stage 2 review focused on the ways the community participates in Council meetings.
2. It is important to note that for the purpose of the Stage 2 Review, 'participates' refers to making formal submissions (or 'Requests to Speak', these two terms are used interchangeably), lodgement of Public Questions, and submitting Petitions.
3. All other sections of the Governance Rules (the Rules) were not included in the Stage 2 Review and considered out of scope. Minor formatting changes will however be made to the remainder of the Rules to accommodate the insertion of Chapter 3 Public Participation.
4. On 26 June 2023, Council endorsed the Banyule City Council Draft Chapter 3 Public Participation of the Rules (Chapter 3) for community consultation. Chapter 3 of the Rules is a 'one stop' source of information for the community on how to participate in Council meetings, as opposed to the previous format of information being sporadically distributed throughout the Rules.

5. At the 26 June 2023 Council meeting, Council endorsed the Draft Chapter 3 for a three-week period of community consultation in line with section 60(4) of the *Local Government Act 2020*.
6. The three-week consultation period was held between 29 June 2023 and 20 July 2023. Methods of community consultation, the ways the community engaged, along with feedback and findings are detailed in the Community Engagement Report included as **Attachment 1** to this report.
7. As Council is a defined entity under section 9 of the *Gender Equality Act 2020*, a formal Gender Impact Assessment (GIA) was also undertaken during the Stage 2 Review. Officer insights are located under the 'Gender Impact Assessment' section of this report.
8. Following a formal GIA and the three-week community consultation period, officers have recommended changes to the Draft Chapter 3 Rules.
9. Community feedback and GIA research have shaped officer recommendations to form the final *Proposed Chapter 3 Governance Rules* before Council.
10. All changes are documented in the summary table included as **Attachment 2** to this report.
11. The *Proposed Chapter 3 Governance Rules* for adoption is included as **Attachment 3** to this report, with key changes highlighted in the 'Key issues' section of this report. **Attachment 4** is a clean version of the *Proposed Chapter 3 Governance Rules*.

## RECOMMENDATION

That Council:

1. Receives and notes the feedback and submissions received throughout the community consultation process undertaken in accordance with s 60 (4) of the *Local Government Act 2020* for the development of Chapter 3 – Community Participation Governance Rules Review.
2. Adopt **Chapter 3 Community Participation** for insertion into Banyule City Council's Governance Rules in accordance with s 60 (3) of the *Local Government Act 2020*.
3. Notes that **Chapter 3 Community Participation** will come into effect from 1 November 2023 and will be in force for the community participation in Council meetings for the Ordinary Council Meeting scheduled for 20 November 2023 and onwards.
4. Thank and acknowledge the community members that participated in the face-to-face consultation sessions, completed the Shaping Banyule survey and made formal submissions to Council on the Rules during the consultation period.
5. Notes that Council's Website will be updated to reflect the revised Rules.

## Resolution (CO2023/187)

That Council:

1. Receives and notes the feedback and submissions received throughout the community consultation process undertaken in accordance with s 60 (4) of the *Local Government Act 2020* for the development of Chapter 3 – Community Participation Governance Rules Review.

2. Adopt **Chapter 3 Community Participation** for insertion into Banyule City Council's Governance Rules in accordance with s 60 (3) of the *Local Government Act 2020*.

2(a) (1) Change to section 67 (7) Request to Speak to read as follows: "The maximum time for which a person is permitted to speak per agenda item is 2 minutes, with any extension at the discretion of the Mayor or Chair."

2 (a) (2) Change to section 67 (13) Request to Speak for head petition submitter to read as follows: "in the instance where a "head submitter" speaks on behalf of a group of individuals, they are entitled to do so but only with a maximum of 2 minutes, or as otherwise determined at the discretion of the Mayor or Chairperson".

- 2 (b) (1) The removal of section 68 (12) Public Questions.

2 (b) (2) A change to rule 68 (10) Public Questions to read "if the person who submitted a Public Question is not present in the gallery at the Council meeting, their Public Question will not be read out".

2 (c) (1) The inclusion of the relevant subrules relating to repetitious petitions originally included in the Draft Chapter 3 Governance Rules that was released for consultation and was subsequently removed in the Proposed Rules being:

*(14) Where a petition is submitted, and the subject is of the same nature of a matter considered by Council in the last six months, and Council has not yet resolved on how to action that petition, or the officer under delegation has not undertaken a way forward, the petition will be dealt with in conjunction with the original petition that was tabled at a Council meeting and will not be considered as a new petition.*

*(15) Where a petition is submitted that is lobbying Council for the direct opposite outcome of a petition that has previously been tabled at Council in the previous six months, and Council have resolved on a way forward on that matter, the opposing petition will be provided to the relevant department and the relevant department will liaise directly with the lead petitioner. Electronic or online petitions must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule, qualify as the signature of such petitioner or signatory.*

3. Notes that **Chapter 3 Community Participation** will come into effect from 1 November 2023 and will be in force for the community participation in Council meetings for the Ordinary Council Meeting scheduled for 20 November 2023 and onwards.
4. Thank and acknowledge the community members that participated in the face-to-face consultation sessions, completed the Shaping Banyule survey and made formal submissions to Council on the Rules during the consultation period.
5. Notes that Council's Website will be updated to reflect the revised Rules.
6. Note that due to the changes made to the rules and subrules, there may be changes to the numbering and formatting of subsequent rules and note that the content of the rule and sub rules will remain unchanged.

Moved: Cr Elizabeth Nealy  
Seconded: Cr Rick Garotti

CARRIED



Cr McKern called for a Division:

FOR: Cr Mark Di Pasquale, Cr Rick Garotti, Cr Tom Melican, Cr Peter Castaldo, Cr Alison Champion, Cr Elizabeth Nealy, Cr Fiona Mitsinikos

AGAINST: Cr Peter Dimarelos, Cr Alida McKern

The Chairperson declared the motion CARRIED

### 3.3 RECORD OF COUNCILLOR MEETINGS

***Councillor Di Pasquale left the Chamber at 9.21pm and was not present for the vote.***

#### 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

<b>1</b>	<b>Date of Meeting:</b>	22 September 2023 (10.00am – 12.45pm)
	<b>Type of Meeting:</b>	Audit and Risk Committee
	<b>Matters Considered:</b>	
<ul style="list-style-type: none"> <li>• Annual Report - Year Ending 30 June 2023 including Closing Audit Report Financial Management Letter</li> <li>• Variance Analysis - Comprehensive Income Statement - Year Ended 30 June 2023</li> <li>• Pitcher Partners - Internal Audit Status Report - September 2023</li> <li>• Pitcher Partners - Asset Management - Internal Audit Report</li> <li>• Pitcher Partners - Internal Audit Scope - Cyber Security and Leisure Centre Operations</li> <li>• Status Report - Internal Audit and Self-Assessment Recommendations as of 1 September 2023</li> <li>• Safety &amp; Wellbeing Report - 1 May 2023 to 30 August 2023</li> <li>• Follow Up Actions arising from the Committee meeting held Friday 23 June 2023</li> <li>• Compliance Reporting</li> <li>• Annual Work Plan - September 2023</li> </ul>		

	<ul style="list-style-type: none"> <li>• Performance Review of the Internal Audit Service Provider - 1 February 2023 to 31 August 2023.</li> <li>• Risk Management Policy &amp; Framework Review</li> <li>• Insurance Renewal Analysis 2023-24</li> <li>• Integrity Agencies - Self Assessment Status Report as of 1 September 2023</li> <li>• Budget 2023 - 2027</li> </ul>
	Computer Assisted Audit Techniques (CAAT's) - Quarterly Report
	<b>Councillors Present:</b> Cr Peter Castaldo Cr Rick Garotti – left at 12.30pm (not present for the Confidential Meeting) Cr Elizabeth Nealy
	<b>Staff Present:</b> Allison Beckwith - <i>Chief Executive Officer</i> Greg Gale – <i>Acting Director Assets &amp; City Services</i> Marc Giglio – <i>Director Corporate Services</i> Karen Leeder – <i>Acting Director City Development</i> Jo Wilson – <i>Acting Director Community Wellbeing</i> Toni Toaldo – <i>Manager People &amp; Culture</i> Tania O'Reilly – <i>Manager Finance &amp; Procurement</i> Lara McNally – <i>Senior Business Partner</i> Marjorie Crompton – <i>Senior Accountant</i> Paul Wilson – <i>Risk &amp; Assurance Advisor (Minute Taker)</i>
	<b>Others Present:</b> N/A Dr Irene Irvine - <i>Chairperson</i> Prof Stuart Kells – <i>Independent Representative</i> Mr Gregory Rimmer-Hollyman – <i>Independent Representative</i> Graham Noriskin – <i>Pitcher Partners</i> Richard Wilson – <i>Pitcher Partners</i> Nick Walker – <i>HLB Mann Judd (Remote)</i> Hui Ping Teoh – <i>HLB Mann Judd (Remote)</i>
	<b>Conflict of Interest:</b> NIL

<b>2</b>	<b>Date of Meeting:</b>	25 September 2023 (5.36pm – 6.02pm)
	<b>Type of Meeting:</b>	Pre-Brief Council Meeting
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>3.1 Banyule Cemeteries Trust - Operations Report</li> <li>3.2 Banyule Cemeteries Trust - Financial Statement</li> <li>3.3 Banyule Cemeteries Trust - Abstract of Accounts 2022/23</li> <li>3.4 Audit &amp; Risk Committee - Bi-Annual Report</li> <li>3.5 'In Principle' Approval of the Financial Statements and Performance Statement for the year ended 30 June 2023</li> <li>3.6 Property Transactions Report for Six Month Period Ending 30 June 2023</li> <li>3.7 Record of Councillor Meetings</li> <li>4.1 Draft Banyule Volunteer Policy and Memorandum of Understanding: Endorsement for Community Consultation</li> <li>5.1 Proposed Urban Food Strategy</li> </ul>	

<p>5.2 Container Deposit Scheme (CDS)                  6.1 59 Swanston Street, Heidelberg Heights - Commencement of Notice of Intention to Sell Land                  6.2 78-80 Hawdon St, Heidelberg - Commencement of Notice of Intention to Sell Land.                  7.1 Public Toilet Plan Review                  8.1 Inclusive Local Jobs Strategy / Action Plan Year Three Update                  8.2 Social Enterprise Strategy / Action Plan Year Three Update                  9.1 Abandoned Shopping Trolleys                  9.2 Community Infrastructure Opportunities at Public Schools</p>	
<p><b>Councillors Present:</b>                  Cr Peter Castaldo                  Cr Alida McKern                  Cr Alison Champion                  Cr Peter Dimarelos – arrived 5.56pm                  Cr Rick Garotti – arrived 5.39pm                  Cr Elizabeth Nealy</p>	
<p><b>Staff Present:</b>                  Allison Beckwith - <i>Chief Executive Officer</i>                  Darren Bennett – <i>Director Assets &amp; City Services</i>- arrived 5.42pm                  Marc Giglio – <i>Director Corporate Services</i>                  Natasha Swan – <i>Director City Development</i>                  Jo Wilson – <i>Acting Director Community Wellbeing</i>                  Krysten Forte – <i>Manager Governance and Integrity</i>                  Linda Chapple – <i>Governance and Integrity Coordinator</i></p>	
<p><b>Others Present:</b>                  n/a</p>	
<p><b>Conflict of Interest:</b></p>	<p>NIL</p>

<b>3</b>	<p><b>Date of Meeting:</b></p>	<p>2 October 2023 (6.35pm – 9.16pm)</p>
	<p><b>Type of Meeting:</b></p>	<p>Councillor Briefing</p>
	<p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Quarterly Strategic Waste Update</li> <li>• Neighbourhood Character Background Report Findings</li> <li>• Budget</li> <li>• Monthly Financial Management Report - August 2023</li> <li>• North East Link and Watsonia Station Concept Plan</li> <li>• Heidelberg West Business Park - Special Levy Proposal</li> <li>• Midsumma Festival 2024- update</li> <li>• Bowling Club Audits and Future Asset Management</li> <li>• Older adults Framework 2030</li> </ul>	
	<p><b>Councillors Present:</b></p>	

<p>Cr Peter Castaldo                  Cr Alison Champion                  Cr Mark Di Pasquale – arrived 7.41pm                  Cr Rick Garotti                  Cr Alida McKern                  Cr Tom Melican                  Cr Elizabeth Nealy</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>                  Jo Wilson – <i>Acting Director Community Wellbeing</i>                  Megan Kemp - <i>Strategic Executive Assistant to CEO &amp; Mayor</i>                  Kathy Hynes – <i>Manager Operations</i>                  Andrew Croft – <i>Waste Management Coordinator</i>                  Alana Shepherd - <i>Senior Team Leader Waste Education &amp; Facilitation</i>                  Emma Butterworth – <i>Senior Strategic Planner</i>                  Emily Harris – <i>Strategic Planner</i>                  Karen Leeder – <i>Manager City Futures</i>                  Tania O’Reilly – <i>Manager Finance and Procurement</i></p>	
<p><b>Others Present:</b> n/a</p>	
<p><b>Conflict of Interest:</b></p>	<p>NIL</p>

4	<p><b>Date of Meeting:</b></p>	<p>9 October 2023 (5.41pm – 6.40pm)</p>
	<p><b>Type of Meeting:</b></p>	<p>Pre-Briefing - Council Meeting</p>
	<p><b>Matters Considered:</b></p> <p>3.1 Award of Contract 1309-2023 East Ivanhoe Preschool Upgrade                  3.2 Instrument of Delegation from Council to the Chief Executive Officer                  3.3 Instrument of Delegation from Council to Members of Council Staff                  3.4 Instrument of Appointment to Authorised Officers under the Planning and Environment Act 1987                  3.5 Instrument of Sub -Delegation and Appointment and Authorisation- Environment Protection Act 2017                  3.6 Proposed position on MAV State Council Meeting Motions - 13 October 2023 MAV State Council Meeting                  3.7 Record of Councillor Meetings                  4.1 Draft Banyule Gambling Policy for community consultation                  5.1 Urban Forest Strategy 2022-2032</p>	
<p><b>Councillors Present:</b></p> <p>Cr Peter Castaldo                  Cr Alison Champion                  Cr Peter Dimarelos - arrived 6.09pm                  Cr Mark Di Pasquale - arrived 6.00pm                  Cr Rick Garotti                  Cr Alida McKern                  Cr Tom Melican                  Cr Elizabeth Nealy</p>		

<b>Staff Present:</b> 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 &amp; Integrity</i> Michael Tanner – <i>Manager Parks &amp; Natural Environment</i> Jonathan Risby – <i>Manager Transport &amp; Environment</i> Linda Chapple – <i>Governance &amp; Integrity Coordinator</i>	
<b>Others Present:</b> n/a	
<b>Conflict of Interest:</b>	NIL

5	<b>Date of Meeting:</b>	16 October 2023 - 8.15pm
	<b>Type of Meeting:</b>	CEO Employment Matters Committee Meeting
	<b>Matters Considered:</b>	
	<ul style="list-style-type: none"> <li>• CEO Employment Matters</li> <li>• Chairs Report</li> <li>• Policy &amp; Terms of Reference</li> <li>• Meeting timetable for 2023/2024</li> </ul>	
	<b>Councillors Present:</b>	
	Cr Peter Castaldo Cr Alison Champion Cr Peter Dimarelos Cr Mark Di Pasquale Cr Rick Garotti Cr Alida McKern Cr Tom Melican Cr Elizabeth Nealy Cr Fiona Mitsinikos	
	<b>Staff Present:</b>	
	NIL	
<b>Others Present:</b>		
Allan Bawden- Independent Member and Chairperson of Committee		
<b>Conflict of Interest:</b>	NIL	

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**RECOMMENDATION**

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

**Resolution (CO2023/188)**

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

Moved: Cr Rick Garotti

Seconded: Cr Fiona Mitsinikos

CARRIED

**3.4 COUNCIL MEETING DATES 2024**

***Councillor Di Pasquale was still absent from the Chamber at 9.21 pm and was not present for the vote.***

**SUMMARY**

1. In accordance with *The Local Government Act 2020* and Council's *Governance Rules* (adopted 14 November 2022), Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Unscheduled Meeting (previously known as Special Meeting).
2. To assist in forward planning, dates for the next year are generally determined in each August/September the year prior.
3. The dates and venues of Council Meetings are published in the Council Calendar, Banner, and Council's website to ensure transparency on forthcoming meetings and organisational and community planning.
4. The proposed dates for 2024 are based on a Council meeting cycle for a meeting to occur approximately every 3 weeks where possible.
5. The schedule considers Public Holidays, the requirements for the adoption and consideration of the Annual Budget, Strategic Integrated Planning Documents and Council Plan timetable (June 2022); Annual Report, caretaker period, Local Government General Election, the Election of Mayor and Deputy Mayor requirements, and the Australian Local Government Association (ALGA) National General Assembly anticipated Assembly schedule.
6. The schedule also considers the upcoming Victorian General Election to be held on 26 October 2024 and the associated caretaker and Election Period.
7. The proposed dates have allowed for 14 Ordinary Council meetings for 2024, with an additional one (1) statutory meeting for the Election of the Mayor and Deputy Mayor scheduled.
8. Planning or Unscheduled (formally known as Special Council Meetings) can be scheduled, when required in accordance with Council's Governance Rules.
9. A special meeting will be required in October due to legislative requirements for the Annual Report, as this meeting is required during caretaker period no other business

will be considered in line with caretaker requirements. The date for the meeting is not yet known, however, the community will be advised in accordance with the Governance Rules Division 2 Rule 13.

10. It is recommended that all Council Meetings for 2024 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe. Through the Governance Rules Division 15 rule 64 sub rules 4 and 5 Council may conduct a Council meeting via electronic means should the need arise. Any change to the format of a Council meeting would be communicated to the community at the earliest opportunity.
11. Under the Local Government Act 2020 s 66(1)(2) Council has the ability to close a meeting to the public should there be threats to safety of staff, Councillors, and the community, or where the disruption of a Council meeting prohibits the transaction of Council business to continue.
12. From time-to-time Council may opt to change the location of the Council Meetings and will communicate the change of location via Council's website and social media and other communication methods as necessary.
13. The purpose of this report is to consider and approve a schedule of meeting dates for the Council Meetings for 2024. Council may by resolution amend these dates as required.
14. The dates proposed beyond caretaker period are dependent on the Victorian Electoral Commissions (VEC) declaration of poll and as such are subject to change.

#### **RECOMMENDATION**

That Council:

1. Approve for the Council Meetings for 2024 to be held at 275 Upper Heidelberg Road Ivanhoe; and
2. Adopt the following meeting dates for 2024 calendar year for Ordinary Council Meetings for the Banyule City Council as per the table listed below:

<b>Month</b>	<b>Date (Monday)</b>
February	5 26
March	18
April	8 29
May	20
June	3 24
July	15
August	5 26
September	16
Caretaker Period	Midnight 24/9/-6.00pm 26/10/2024
November	12 (Mayoral and Deputy Mayor Election only) - Tuesday 25
December	9

3. Note that the meeting time will commence a 7:00pm for Council Meetings, unless otherwise notified.
4. The dates proposed beyond caretaker period are dependent on the Victorian Electoral Commissions (VEC) declaration of poll and as such are subject to change.

**Resolution (CO2023/189)**

That Council:

1. Approve for the Council Meetings for 2024 to be held at 275 Upper Heidelberg Road Ivanhoe; and
2. Adopt the following meeting dates for 2024 calendar year for Ordinary Council Meetings for the Banyule City Council as per the table listed below:

Month	Date (Monday)
February	5 26
March	18
April	8 29
May	20
June	3 24
July	15
August	5 26
September	16
Caretaker Period	Midnight 24/9-6.00pm 26/10/2024
November	12 (Mayoral and Deputy Mayor Election only) - Tuesday 25
December	9

3. Note that the meeting time will commence a 7:00pm for Council Meetings, unless otherwise notified.
4. The dates proposed beyond caretaker period are dependent on the Victorian Electoral Commissions (VEC) declaration of poll and as such are subject to change.

Moved: Cr Rick Garotti

Seconded: Cr Alison Champion

CARRIED

**3.5 AWARD CONTRACT 1287-2023 MACLEOD PARK PAVILION CONSTRUCTION**

***Councillor Di Pasquale returned to the Chamber at 9:26 pm and was present for the vote.***

**SUMMARY**

1. This report is to consider the awarding of Contract No. 1287-2023 – Macleod Park Pavilion Upgrade.



2. The works include the demolition of the existing building, and construction of a new building, associated services and landscaping.
3. The Tender Evaluation Panel (TEP) has recommended awarding the contract to Kendall Construction Group in accordance with the tender and conditions as determined by Council.
4. Tenders were received from eight (8) companies.
5. The contract will commence following award of the contract.

### RECOMMENDATION

That Council:

1. Award Contract No. 1287-2023 to Kendall Construction Group for \$3,192,324.00 (ex. GST).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.

### Resolution (CO2023/190)

That Council:

1. Award Contract No. 1287-2023 to Kendall Construction Group for \$3,192,324.00 (ex. GST).
2. Authorise the Chief Executive Officer or delegate to sign the contract and any other associated documents.
3. Note the Construction delivery timeframe has been extended to August 2025 due to the final review process required in conjunction with the contractor and the rail authorities.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

## 3.6 ABANDONED SHOPPING TROLLEYS

### SUMMARY

1. At the Council Meeting of 25 September 2023 resolved to receive a report about the current issues and challenges faced across the Banyule Community regarding the impact of abandoned shopping trolleys and suggested options to reduce the impacts.
2. The current approach for managing abandoned trolleys is for Council to receive requests from the community and respond by logging and tagging dumped trolleys for collection through mobile reporting apps and via direct contact to supermarket chains. Municipal Laws Officers proactively patrol hotspot locations and log collection requests accordingly.
3. There has been initial success as a result of impound patrols of any uncollected trolleys found on Council Land with the ability to apply the impound release fee for each item impounded.
4. There are opportunities to support further promotion to the community by providing information on Council's webpage and social media platforms on where to directly

report dumped trolleys through mobile apps (Trolley Tracker, Snap Send Solve, supermarket websites).

5. There are opportunities to consider supermarket accountability through the Local Law review being undertaken by June 2024, by providing provision to hold trolley owners directly accountable for dumped trolleys on Council Land, increase penalty amounts and implement a fleet of lockable wheel mechanisms and coin deposits to encourage return.

## RECOMMENDATION

That Council:

1. Note recent initiatives to engage with stakeholders, the impound response process and that a report will be provided back Council on the success of these initiatives in 12 months.
2. Note ongoing promotion of reporting apps such as Trolley Tracker in the Banner.
3. Note that Banyule's website content will be updated and social media platforms to be utilised to promote and support the community in where and how to report abandoned shopping trolleys.
4. Note the current constraints to enforcement powers held by Council Officers to hold supermarkets directly accountable and continue to support the Municipal Laws & Public Assets Team to continue to engage with stakeholders, supermarket chains and community members to ensure compliance with the return of shopping trolleys within the Municipality.
5. Refer consideration of the opportunities to improve enforcement powers in relation to abandoned shopping trolleys to the review of the General Local Law No.1 (2015) scheduled for completion by June 2024.
6. Encourage members of the community who report abandoned shopping trolleys to liaise directly with supermarket chains and use direct reporting channels to log collections.

## Resolution (CO2023/191)

That Council:

1. Note recent initiatives to engage with stakeholders, the impound response process and that a report will be provided back Council on the success of these initiatives in 12 months.
2. Note ongoing promotion of reporting apps such as Trolley Tracker in the Banner.
3. Note that Banyule's website content will be updated and social media platforms to be utilised to promote and support the community in where and how to report abandoned shopping trolleys.
4. Note the current constraints to enforcement powers held by Council Officers to hold supermarkets directly accountable and continue to support the Municipal Laws & Public Assets Team to continue to engage with stakeholders, supermarket chains and community members to ensure compliance with the return of shopping trolleys within the Municipality.

5. Refer consideration of the opportunities to improve enforcement powers in relation to abandoned shopping trolleys to the review of the General Local Law No.1 (2015) scheduled for completion by June 2024.
6. Encourage members of the community who report abandoned shopping trolleys to liaise directly with supermarket chains and use direct reporting channels to log collections.
7. Request that an Officer report is presented back to Council detailing any options that Council could consider regarding an established arrangement with the major supermarket chains where Council could retrieve shopping trolleys when reported, return and compensation
8. Write to all supermarket chains seeking that wheel locking mechanism or other suitable systems and processes are pursued to minimise instances of dumped shopping trolleys.

Moved: Cr Peter Dimarelos  
Seconded: Cr Rick Garotti

CARRIED

#### 4. OUR INCLUSIVE AND CONNECTED COMMUNITY

##### 4.1 OUTCOMES OF THE 2023 - 2024 COMMUNITY, ARTS & CULTURE, AND ENVIRONMENT GRANT FUNDING ROUNDS

*Councillor Garotti left the Chamber at 9.38pm and was not present for the vote.*

##### SUMMARY

1. The purpose of this report is to advise Council of the 2023-2024 Banyule Community Grants, Arts and Culture Grants and Environment Grants programs Assessment Panel allocations for the 2023/24 financial year (**Attachment 1**).
2. The Community, Arts and Culture and Environment Grants programs continue to be sought out by local not for profit services, community groups and members of the local creative sector. These groups continue to seek financial assistance from Council, in the form of grants to enable them to deliver their programs and services to the Banyule community.
3. Allocations were made to community groups and not for profit services that support children and young people, Banyule's multicultural community, people with a disability, residents experiencing disadvantage, members of the local creative community, environmentally focused local individuals and community groups and the wider Banyule community.
4. This year the three (3) grants programs saw a large increase in the number of applications and funding requested, resulting in the amount of funding requested greatly outweighing the amount of funding to be allocated.
5. The number of applications that were received demonstrates that the programs are highly valued by services, community groups and the Banyule community.
6. All of the 2023-2024 Banyule Grants Program funding allocations have been approved as per specific grant guidelines.

7. All successful and unsuccessful applicants were informed of the outcome of their submission in October 2023, with processing of grant payments taking place in November 2023.
8. All successful grant recipients will be invited to attend a Banyule Council Grants Presentation Event to acknowledge, support and recognise the role they play in our community and congratulate them on receiving the grant to be held on 22 November 2023.

### RECOMMENDATION

That Council:

1. Makes public the list of successful applicants for the 2023 – 2024 Community Grants, Art & Culture Grants and Environment Grants programs (**Attachment 1**)
2. Notes that the grant recipients will be invited to attend the Banyule Council Grants Presentation Event to be held on 22 November 2023.
3. Notes that Council officers will work in partnership with the successful grant recipients to ensure the grant acquittal process is completed within the required timeframes.

### Resolution (CO2023/192)

That Council:

1. Makes public the list of successful applicants for the 2023 – 2024 Community Grants, Art & Culture Grants and Environment Grants programs (**Attachment 1**)
2. Notes that the grant recipients will be invited to attend the Banyule Council Grants Presentation Event to be held on 22 November 2023.
3. Notes that Council officers will work in partnership with the successful grant recipients to ensure the grant acquittal process is completed within the required timeframes.

Moved: Cr Elizabeth Nealy

Seconded: Cr Alison Champion

CARRIED

## 4.2 IMPROVED WALKING AND CYCLING ACCESS TO ALL SCHOOLS IN BANYULE

***Councillor Garotti returned to the Chamber at 9.42pm and was present for the vote.***

### SUMMARY

1. The purpose of this report is to respond to the Notice of Motion from the 17 July 2023 Council Meeting regarding improving walking and cycling access to all schools in Banyule.
2. At the 17 July 2023 Council Meeting, Council resolved the following:
  1. *A report be presented back to Council on or before 30 October 2023 detailing the current approach and funding options available to improve walking and cycling access to schools in the Banyule community, and*
  2. *The report to include information regarding the current timetable to complete Safe Access Audits at all schools, the funding required to undertake audits and*

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*the estimated budget that should be allocated to rectify items identified in the Safe Access Audits.*

3. Approximately 16,000 students aged 5 to 18 years attend the 34 primary schools and 10 secondary schools located in Banyule.
4. Council has been very active in the safe travel to school space over the last decade including provision of school crossing supervisors, active travel to school maps for all schools, a walking to school kit, participation in VicHealth's Walk to School program, sustainable transport grants for schools, and decals indicating the safest route to school for eight primary schools.
5. In the last 12 months, Council has funded Safe Access to School audits for five schools through the Bicycle Strategy Initiatives program and also appointed an Active Travel to School Education Officer (0.2 EFT) with grant funding to end December 2023, who actively gains traction in the school community.
6. The Safe Access to School audits cost in the region of \$5,000 per school audit. To undertake audits for all schools in the municipality in one year would cost approximately \$150,000.
7. Currently Council fund implementation of new walking and cycling infrastructure and maintenance of existing walking and cycling infrastructure at a level that is considered adequate to cover the needs identified by the school audits, but this will be monitored as more audits are undertaken.
8. To ensure the continued success of the active and safe travel to school program, Council could consider an increase in the contact hours of the dedicated resource (Active Travel to School Education officer) to undertake the work of gaining traction with schools in the municipality and allow for engagement with more schools. To achieve this, Officers consider that this resource could be employed 2 days a week (0.4 EFT) for the 2024 and 2025 school years.
9. Regarding funding opportunities, VicHealth's Walk to School program has been discontinued and Council has been unsuccessful in an application for the State Government's VicRoads Community Road Safety Grants (CRSG) program. This has resulted in Council being unable to undertake a number of road safety education and infrastructure programs related to child/student pedestrian and cyclist road safety.
10. Other avenues of funding are being explored including the National Road Safety Action Grants program to which Council has recently applied. There is also the State Government Safe Local Roads and Streets program which supports the development and delivery of road safety infrastructure projects on local roads.

## **RECOMMENDATION**

That Council:

1. Receive this report in response to the Notice of Motion from 17 July 2023 Ordinary Council meeting.
2. Notes that the Bicycle Initiatives Program funds Safe Access Audits for five (5) schools per year, with funding for implementation through Council's operational and capital works programs, and Ten (10) schools will have been audited by end June 2024.
3. Continues to explore State and Federal Government funding opportunities to support walking and cycling infrastructure projects and education programs in Banyule.
4. Notes there is no current funding for the continuation of the Active Travel to School Education Officer position for future school years beyond 2023

**Resolution (CO2023/193)**

That Council:

1. Receive this report in response to the Notice of Motion from 17 July 2023 Ordinary Council meeting.
2. Notes that the Bicycle Initiatives Program funds Safe Access Audits for five (5) schools per year and ten (10) schools will have been audited by end June 2024.
3. As part of the 2024-2025 budget process, consideration of how the program can be accelerated and funding associated with the implementation of actions for all completed school audits as part of the capital works program. Funding for delivery of actions for each audit should be assessed against projects currently listed in the roads, streets and bridges categories with the aim not to increase spending in this category but to prioritise projects for delivery.
4. Continues to explore State and Federal Government funding opportunities to support walking and cycling infrastructure projects and education programs in Banyule.
5. Notes there is no current funding for the continuation of the Active Travel to School Education Officer position for future school years beyond 2023.

Moved: Cr Tom Melican

Seconded: Cr Elizabeth Nealy

CARRIED

**4.3 DRAFT OLDER ADULTS FRAMEWORK 2030: ENDORSEMENT FOR COMMUNITY CONSULTATION**

***Councillor Dimarelos left the Chamber at 9.45pm and was not present for the vote.***

**SUMMARY**

1. This report is seeking Council's endorsement of the Draft Older Adults Framework 2030 for public exhibition and community consultation.
2. The Draft Older Adults Framework 2030 sets out Council's strategic framework and outlines its commitment to ensuring Council continues to improve the liveability of Banyule for older adults.
3. In June 2023 an Older Adults Framework Codesign Working Group was established to advise and guide Council in the development of the Framework. The Working Group comprises members of Council's Age Friendly Committee and Age Friendly Champions Program. They have provided input at every stage of the development of the Draft Framework.
4. An extensive community engagement process was delivered from July -September 2023. Nearly 400 members of the community participated in the engagement process.
5. The common themes that were identified through the community engagement process and the environmental scan were used to determine the commitment and goals outlined in the Draft Framework.
6. In collaboration with the Codesign Working Group, the following key commitments have been identified for the Draft Framework:
  - o We will address ageism and honour the wisdom and experience of older adults.

- We will support civic and social participation and connections.
  - We will support older adults to live and age well.
  - We will provide access to information and communication.
7. Subject to Council endorsing the Draft Older Adults Framework for public exhibition and community feedback, it is proposed that a consultation period of six weeks from 3 November 2023 to 15 December 2023 will take place.
  8. In collaboration with the Codesign Working Group community feedback will be collated, analysed, and included in the final draft of the Framework to be presented to Council to consider for adoption in February 2024.

## RECOMMENDATION

That Council:

1. Endorse the Draft Older Adults Framework 2030 (**Attachment 1**) for community consultation commencing 3 November 2023 and concluding on 15 December 2023.
2. Acknowledge the advice, guidance and input provided by the members of the Older Adults Codesign Working Group in developing the Draft Older Adults Framework 2030.
3. Note that the Draft Older Adults Framework will be presented back to Council for final adoption in February 2024.

### Resolution (CO2023/194)

That Council:

1. Endorse the Draft Older Adults Framework 2030 (**Attachment 1**) for community consultation commencing 3 November 2023 and concluding on 15 December 2023.
2. Acknowledge the advice, guidance and input provided by the members of the Older Adults Codesign Working Group in developing the Draft Older Adults Framework 2030.
3. Note that the Draft Older Adults Framework will be presented back to Council for final adoption in February 2024.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

## 5. OUR SUSTAINABLE ENVIRONMENT

### 5.1 ENVIRONMENTAL IMPACT OF BUSINESS TRAVEL

***Councillor Dimarelos returned to the Chamber at 9.48pm and was present for the vote.***

***Councillor Mitsinikos left the Chamber at 9.53pm and was not present for the vote.***

### SUMMARY

1. This report responds to a request from Council to consider the implications of interstate business travel on corporate greenhouse gas emissions.

2. The Corporate Emissions Reduction Plan (CERP) recognises business travel as a Scope 3 emissions source for Council to account for. Scope 3 emissions are those embedded within the goods and services Council procures, including utilising modes of transport not owned and operated by Council.
3. In 2022-23 a total of four Council staff and three Councillors travelled interstate on return flights for business purposes. This travel amounted to 11,148 people kilometres, which generated an estimated 1.77 tonnes CO<sub>2</sub>-<sup>e</sup> emissions. This represented 0.09% of Council's Scope 3 emissions and 0.03% of overall emissions.
4. Other emissions sources related to staff travel, including rail, accommodation and taxi, account for 1.45 tonnes CO<sub>2</sub>-<sup>e</sup> emissions. This represents 0.07% of Council's Scope 3 emissions and 0.02% of overall emissions. Combined travel-related emissions account for 0.05% of Council's overall emissions, which is considered negligible or immaterial for carbon accounting.
5. The principles of Avoid, Minimise and Offset offer a suitable approach to considering business travel needs going forward. This can be implemented through staff communications and engagement programs aimed at developing a climate action culture at Banyule in accordance with the CERP.
6. Minimising business travel emissions and considering the purchase of travel offsets supports Council's intent to become a certified carbon neutral organisation by 2028.

#### RECOMMENDATION

That Council:

1. Notes the low impact of business travel on corporate emissions.
2. Supports in principle the recommended approach to business travel of Avoid, Minimise and Offset, which will be explored further through the redevelopment of Council's Corporate Emissions Reduction Plan.

#### Resolution (CO2023/195)

That Council:

1. Notes the low impact of business travel on corporate emissions.
2. Supports in principle the recommended approach to business travel of Avoid and Minimise, which will be explored further through the redevelopment of Council's Corporate Emissions Reduction Plan.

Moved: Cr Peter Castaldo

Seconded: Cr Rick Garotti

CARRIED

#### 5.2 PEST ANIMAL MANAGEMENT - FOX CONTROL WITHIN BANYULE CITY COUNCIL URBAN ENVIRONMENT

**Sarah O'Donohoe** addressed council in person and spoke FOR the officer recommendation.

***Councillor Mitsinikos returned to the Chamber at 9.55pm and was present for the vote.***



**SUMMARY**

1. A Notice of Motion (NOM) was carried by Council on the 29 May 2023 Council Meeting in line with Council's Governance Rules. The Notice of Motion read:

*Council has obligations under legislation and the regulations for the management of Red Fox, *Vulpes vulpes* within Banyule, and Council's current practice in meeting those obligations.*

*Council's current role advocating to relevant state and federal governments, agencies, and peak organisations regarding the issue of fox management in the community and beyond; and*

*What further action Council could take to better protect wildlife now and for future generations through the management and eradication of red fox in Banyule.*

2. The Report provides information about the spread of foxes in Banyule, and the current practices Council undertakes to manage fox populations across the urban landscape. It details the control options available and the limits of these controls in the context of an urban environment.
3. The report also provides background on current collaboration Council undertakes, potential future advocacy with local landowners and other proactive measures the community may do to reduce the wider impact of fox predation within private properties.
4. Foxes are highly adaptable omnivores, and they prey upon our native wildlife including reptiles, mammals, birds and insects, as well as native vegetation. Foxes also prey on domesticated animals including unprotected poultry, rabbits, guinea pigs and aviary birds. Foxes can spread parasites and diseases such as mange and distemper to domestic animals and pets, livestock and guinea pigs.
5. Council has obligations under the *Catchment and Land Protection Act 1994* (CaLPA) and the regulations for the management of Red Fox, *Vulpes vulpes* within Banyule on council-owned and managed land.
6. Council currently employs a range of practices to meet its obligations, including monitoring and controlling foxes and rabbits within 12 priority park, reserve and bushland sites. This involves the use of controlled trapping methods by contractors to control foxes in key locations to reduce the impact on wildlife and the indirect spread of noxious weed species within biodiversity sites.
7. Under the *Local Government Act 2020* and the CaLP Act, Council is not required to control foxes within private land. There are risks for Council employing control practices outside of Council-owned or managed land due to the high risk of off-target impacts to domestic pets and animals.
8. It is expected that the 2023/24 control program (\$45,000) will be fully acquitted, making a meaningful impact on red foxes at the existing high priority bushland sites. Current bushland resources and budget are not sufficient to make substantial impacts on the residual red fox population outside of these sites.
9. Due to the wide population spread of red foxes in Banyule and across Melbourne, consideration should be given to the long-term outcomes and value for money any increased red fox control may provide. Red foxes are highly adaptable and opportunistic and demonstrate an ability to quickly repopulate areas they have been removed from. Continuing the current program of fox control, which targets sites

identified as having high biodiversity value, is likely to be the most effective and sustainable form of management on public land. The current program is considered to be a sustainable control method using existing resources.

10. Should Council wish to consider further fox control programs, it may elect to increase budget resources to expand red fox control programs to new areas of public land, expand community education and increase advocacy with government partners and other authorities. Several options are included in the Financial Implication section of this report.

#### **RECOMMENDATION**

That Council:

1. Continue to support existing fox control measures for public open space to retain and enhance biodiversity at high biodiversity value sites within Banyule bushland reserves and wildlife corridors.
2. Provide the Banyule Community with online information on how to deter fox activity within private properties.
3. Advocate for co-funding opportunities and participation for fox control programs from adjacent land authorities within Banyule such as Melbourne Water and Parks Victoria.

#### **Resolution (CO2023/196)**

That Council:

1. Continue to support existing fox control measures for public open space to retain and enhance biodiversity at high biodiversity value sites within Banyule bushland reserves and wildlife corridors.
2. Provide the Banyule Community with online information on how to deter fox activity within private properties.
3. Advocate for co-funding opportunities and participation for fox control programs from adjacent land authorities within Banyule such as Melbourne Water and Parks Victoria.

Moved: Cr Alison Champion

Seconded: Cr Alida McKern

CARRIED

### **5.3 DAREBIN CREEK MANAGEMENT COMMITTEE (DCMC) EXTERNAL AUDIT FINDINGS AND RECOMMENDATIONS**

**Maryanne Newton** from **Friends of Darebin Parklands** addressed council in person and spoke **AGAINST** the officer recommendation.

**Dom McKenzie** addressed council in person and spoke **AGAINST** the officer recommendation.

**Peter Wiltshire** from **Darebin Creek Management Committee** addressed council in person and spoke **AGAINST** the officer recommendation.

**Suzanne Course** addressed council in person and spoke **AGAINST** the officer recommendation.

**Belinda Hill** addressed council in person and spoke **AGAINST** the officer recommendation.

**Dr. John Graeme Hamilton** addressed council in person and spoke **AGAINST** the officer recommendation.

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

## SUMMARY

1. The Darebin Creek Management Committee Inc. (DCMC) was formed in 2001 through the amalgamation of the Darebin Creek Co-ordinating Committee and the Darebin Parklands Committee of Management and has significantly contributed to the health of the Darebin Creek and Parklands.
2. Council has an expired Memorandum of Understanding (MoU) with DCMC which is responsible for delivering on-ground environmental works, education and advocacy along the Darebin Creek corridor and within the Darebin Parklands.
3. At the Banyule Audit and Risk Committee (“ARC”) meeting held on 17 June 2022, the Victorian Auditor General’s Office (“VAGO”) report on ‘Fraud Control over Local Government Grants – May 2022’ was discussed. One of the recommendations from VAGO is that councils undertake a review and assessment of grants and funding agreements.
4. The Banyule ARC subsequently recommended that Council conduct an annual review of all grant programs, partnerships and service level agreements. One of the organisations identified for further assessment was the DCMC.
5. Banyule (as the audit lead) engaged RSM Consulting to undertake an independent audit of DCMCs activities, as they relate to Council’s grants and funding agreements. The purpose of the audit was to *“evaluate the benefits of the recurrent grant funding provided to DCMC to ensure proper governance, transparency, and fairness, and that public money was being spent as intended”*.
6. The independent audit (RSM Audit) was co-funded and supported by the three other councils with representation on the DCMC; City of Darebin, City of Whittlesea and City of Yarra (“funding partners”).
7. The RSM Audit Report, Review of the Darebin Creek Management Committee was completed in March 2023. The report was shared with the DCMC and Councillors via a briefing in July 2023.
8. The audit identified a number of risks pertaining to both DCMC and Council and provided a series of recommendations to improve governance and mitigate potential risk.
9. The DCMC provided a written response to the Audit Report, addressing each of the 9 key recommendations made by RSM, accepting some recommendations in full, some conditionally, some in part and not accepting one.
10. Senior officers have engaged extensively with the funding partners. Legal advice was sought to understand the individual and shared risks, commitments and needs each partner council holds with DCMC. As well as the specific land ownership and

management risks and obligations and the opportunities for further creek corridor management collaboration and waterway health improvement.

11. Senior officers from both Darebin and Banyule have held several joint meetings with the Executive Officer and Chair of the DCMC to better understand DCMC's response to the RSM Audit.
12. A summary of the RSM Audit findings, DCMC's response and officer comments is included in **Attachment 1 (Confidential)**.
13. A report was presented to the Banyule ARC on 22 September 2023 and the report was noted.
14. In consideration of the RSM Audit report, DCMC's response, legal advice and the position and opportunities with the funding partners, this report makes recommendations over a two-year transition period (to align with the expiry of other LGA MoU's with DCMC) to mitigate the known risks associated with DCMC's management of Banyule land and the future funding and coordination of the Darebin Creek corridor.

## RECOMMENDATION

That Council:

1. Formally notes the finalised audit process and thanks Darebin Creek Management Committee (DCMC) for their contribution and participation in the audit.
2. Acknowledges the DCMC's response in relation to the audit findings.
3. Advise Darebin Creek Management Committee (DCMC) of Council's intention to cease contributions to the Darebin Parklands coordination division (land management) from 30 June 2024.
4. Note a review of the structure and delivery of catchment management services, that considers Integrated Water Management obligations, in partnership with other LGA funding bodies during the 2024/25 financial year.
5. Receive a report in December 2024 to present the outcomes of the structure and delivery of catchment management service options.
6. Cease Councillor nomination and representation to the Darebin Creek Management Committee Board effective 31 October 2023.
7. Note Council's two representative positions on the Darebin Creek Management Committee Board would be occupied by nominated officers with specific skills suited to the Board's needs.

## Resolution (CO2023/197)

That Council:

1. Formally notes the finalised audit process and thanks Darebin Creek Management Committee (DCMC) for their contribution and participation in the audit.
2. Acknowledges the DCMC's response in relation to the audit findings.
3. Request officers liaise with all stakeholders involved in the independent Audit of DCMC to enable public release of audit findings.
4. Confirms its commitment to ongoing funding of the DCMC in 2023/24 and 2024/25.

5. Advise DCMC of Council's intention to review its contribution to the Darebin Parklands coordination division (land management).
  - a) Noting that the review will include the concerns raised by the community relating to proposed cessation to funding the Darebin Parklands land management division.
  - b) Notes that the review is in line with Council's procurement obligations as per the *Local Government Act 2020*.
6. Note a review of the structure and delivery of catchment management services, that considers Integrated Water Management obligations, in partnership with other LGA funding bodies during the 2024/25 financial year.
7. Request the review of the Darebin Parkland coordination division (land management) and the Creek Coordination (catchment management services) consider:
  - a. Any decision is with the intention to improve the ecology and biodiversity values along the Darebin Creek, Banyule and the broader area.
  - b. Provide opportunity for community input into the review.
8. Receive a report by December 2025 to present the outcomes of the structure and delivery of catchment management service and contribution options for the Darebin Parklands coordination division (land management).
9. Cease Councillor nomination and representation to the Darebin Creek Management Committee Board effective 31 October 2023.
10. Note Council's two representative positions on the Darebin Creek Management Committee Board would be occupied by nominated officers with specific skills suited to the Board's needs.

Moved: Cr Rick Garotti

Seconded: Cr Elizabeth Nealy

CARRIED

Cr McKern called for a Division:

FOR: Cr Mark Di Pasquale, Cr Rick Garotti, Cr Tom Melican, Cr Peter Castaldo, Cr Alison Champion, Cr Peter Dimarelos, Cr Elizabeth Nealy, Cr Fiona Mitsinikos

AGAINST: Cr Alida McKern

The Chairperson declared the motion CARRIED

## 6. OUR WELL-BUILT CITY

### 6.1 PLANNING SCHEME REVIEW REPORT

**Pippa Griffith** addressed council in person and is spoke **AGAINST** the officer recommendation.

**Alicia Curry** addressed council in person and spoke **AGAINST** the officer recommendation.

### SUMMARY

1. Local councils have a statutory obligation under the *Planning and Environment Act 1987* (Act) to regularly review their planning scheme and report the findings to the Minister for Planning.
2. The purpose of the planning scheme review is to evaluate the effectiveness and performance of the planning scheme since the last review (usually a four (4) year period). It also provides an opportunity to identify changes and further strategic work required in the future.
3. The review was originally due to be completed in 2022. This was extended by 12 months until 25 October 2023 to accommodate the 2022 restructure of the planning scheme that occurred under the State Government's Smart Planning reforms.
4. A review of the five (5) year period from 2018-2023 has been completed. Overall, the review has found the planning scheme is functioning well.
5. The review includes a list of recommended changes and further work to ensure the scheme operates effectively and supports Council's Community Vision, Council Plan and other adopted strategies.
6. The 2023 Planning Scheme Review Report is provided at **Attachment 1**.
7. A copy of Council's 2023 planning scheme review was sent to the Minister for Planning on 9 October 2023 to comply with the required timeframe.

### RECOMMENDATION

That Council:

1. Receive the 2023 Banyule Planning Scheme Review Report.
2. Note that a copy of the 2023 Banyule Planning Scheme Review Report was sent to the Minister for Planning on 9 October 2023.

#### **Resolution (CO2023/198)**

That Council:

1. Receive the 2023 Banyule Planning Scheme Review Report.
2. Note that a copy of the 2023 Banyule Planning Scheme Review Report was sent to the Minister for Planning on 9 October 2023.

Moved: Cr Alida McKern

Seconded: Cr Alison Champion

CARRIED

### **6.2 PROPOSED STATE GOVERNMENT CHANGES TO RESIDENTIAL STANDARDS FOR DWELLINGS ON SMALL LOTS AND SIGNAGE REQUIREMENTS**

***Councillor Dimarelos left the Chamber at 10.22pm.***

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**Councillor Dimarelos returned to the Chamber at 10:23pm and was present for the vote.**

**Pippa Griffith** addressed council in person and spoke **FOR** the officer recommendation.  
**SUMMARY**

1. The Department of Transport and Planning (DTP) released the *Improving residential standards for dwellings on small lots* Discussion Paper in October 2023 and the *Modernising sign requirements* discussion paper in August 2023 and have sought feedback on the proposed changes.
2. The *Improving residential standards for dwellings on small lots* Discussion Paper outlines proposed changes to the Clause 54 and 55 standards for:
  - street setback
  - site coverage
  - walls on boundaries for lots less than 300 square metres
  - permeability objectives.
3. The officer submission acknowledges that lots less than 300 square metres are constrained by their size and as a result some variations to the Clause 54 and 55 standards could be introduced to streamline the assessment process.
4. Whilst this approach is generally supported, the proposed changes to the Street setback and Walls on boundaries standards are not supported.
5. The proposed changes to the Site cover standard and Permeability decision guidelines are supported in principle with a further review suggested to avoid standards contradicting each other.
6. In addition to the feedback on the specific changes, concerns have also been raised in relation to the proposed changes adding further complexity to planning assessments through the introduction of separate standards for small lots. It is also noted that recent Planning Scheme Amendments made by the State Government which have greater implications for Banyule were introduced without a consultation and feedback opportunity.
7. *The Modernising sign requirements* discussion paper proposes changes to planning requirements for signs at Clause 52.05 (Signs) in the Victorian Planning Provisions (VPP). A total of eight proposals are discussed.
8. The officer submission outlines that the proposed changes to real estate signs (Proposals 1-3), construction hoarding/building shrouding signs (Proposal 5) and sign requirements in the Design and Development Overlay (Proposal 8) are not supported in the proposed format.
9. The proposed changes to Construction signs (Proposal 4), Promotion signs in industrial areas (Proposal 6) and the removal of mandatory permit expiry conditions (Proposal 7) can be supported.

#### **RECOMMENDATION**

That Council:

1. Notes and agrees with the officer's submission to the Department of Transport and Planning in response to the *Improving residential standards for dwellings on small lots* Discussion Paper which includes:

- a) General support for the proposed changes to the residential standards for dwellings on small lots.
  - b) Support for the proposed changes to Site coverage (standards A5 and B8) and Permeability (standard A6).
  - c) Concerns in relation to the proposed changes to the Street setback (standards A3 and B6) and Walls on boundaries (standards A11 and B18).
  - d) Concerns in relation to the added complexity the proposed changes would introduce to the planning scheme and the lack of consultation with respect to planning scheme amendments VC242 and 243.
2. Notes and agrees with the officer's submission to the Department of Transport and Planning in response to the *Modernising sign requirements* discussion paper which includes:
- a) Concerns in relation to proposed changes to real estate signs (Proposals 1-3), construction hoarding/building shrouding signs (Proposal 5) and sign requirements in the Design and Development Overlay (Proposal 8)
  - b) Support for the proposed changes to Construction signs (Proposal 4), Promotion signs in industrial areas (Proposal 6) and the removal of mandatory permit expiry conditions (Proposal 7)

**Resolution (CO2023/199)**

That Council:

1. Notes and agrees with the officer's submission to the Department of Transport and Planning in response to the *Improving residential standards for dwellings on small lots* Discussion Paper which includes:
  - a) General support for the proposed changes to the residential standards for dwellings on small lots.
  - b) Support for the proposed changes to Site coverage (standards A5 and B8) and Permeability (standard A6).
  - c) Concerns in relation to the proposed changes to the Street setback (standards A3 and B6) and Walls on boundaries (standards A11 and B18).
  - d) Concerns in relation to the added complexity the proposed changes would introduce to the planning scheme and the lack of consultation with respect to planning scheme amendments VC242 and 243.
2. Request the inclusion to the officer's submission relating to Street setbacks (Standards A3 and B6) that the three-metre setbacks are incongruous with the existing pattern of setbacks in Banyule's middle ring suburbs and is not supported.
3. Notes and agrees with the officer's submission to the Department of Transport and Planning in response to the *Modernising sign requirements* discussion paper which includes:



- a) Concerns in relation to proposed changes to real estate signs (Proposals 1-3), construction hoarding/building shrouding signs (Proposal 5) and sign requirements in the Design and Development Overlay (Proposal 8)
- b) Support for the proposed changes to Construction signs (Proposal 4), Promotion signs in industrial areas (Proposal 6) and the removal of mandatory permit expiry conditions (Proposal 7)

Moved: Cr Alida McKern

Seconded: Cr Elizabeth Nealy

CARRIED

## 7. OUR VALUED COMMUNITY ASSETS AND FACILITIES

### 7.1 CHELSWORTH PARK SPORTS PAVILION REDEVELOPMENT - PROPOSED HEADS OF AGREEMENT - IVANHOE GRAMMAR SCHOOL

*Councillor Dimarelos declared a Material Conflict of Interest and left the Chamber at 10.32pm and was not present for the deliberations or the vote.*

*Councillor Champion left the Chamber at 10.32pm.*

*Councillor Champion returned to the Chamber at 10.46pm and was present for the vote.*

**Mark Dixon** from **Ivanhoe Cricket Club** addressed council in person and spoke **FOR** the recommendation

**Sienna Whitman** from **Old Ivanhoe Grammarians Football Club** addressed council in person and spoke **FOR** the recommendation.

**Jeff Franklin** from **Ivanhoe Harriers Athletic Club** and **Chelsworth Park Community Reference Group** addressed council in person and spoke **FOR** the recommendation.

**James Lalios** from **Old Ivanhoe Soccer Club** and **Chelsworth Park Community Reference Group** addressed council in person and spoke **FOR** the recommendation.

### SUMMARY

1. Chelsworth Park, owned by Council includes seven (7) sports ovals, three (3) tennis courts and two (2) pavilions and is leased to Ivanhoe Grammar School (IGS).
2. Nine (9) Banyule sporting clubs currently use the sports fields and sports facilities, for training and competition purposes and this use accounts for over 80% of total programmed use of the site. IGS use the ovals for school sports and this use accounts for less than 10% of total hours available.
3. Passive use of the site includes walking, jogging, dog walking, casual sport practice (individuals or small groups), socialising, picnics and is available like other sportsground outside programmed times – usually between 6am and 4pm weekdays and various times on weekends depending on competition.
4. The current lease with IGS is for 30 years (initial 20year term Nov 2014 – Nov 2034 with a further 2 x 5year options). The terms of the lease included IGS investing \$1 million upfront for capital improvements towards a storm water harvesting project over

the first 2 years at the start of the lease (2014).

IGS pays a peppercorn rental of \$1 p.a. rent for the first 20 years, in recognition of its \$1 million investment in the storm water harvesting infrastructure, with a rental increase to \$50,000 p.a. in year 1 of the first further term (if exercised) and then is subject to annual increases of 4% for the duration of the further terms.

5. IGS is responsible for ground and facility servicing and maintenance at a current cost of \$400,000 per annum, along with some capital improvements as defined in their lease.
6. The current lease requires the school to add two changerooms to the existing brick pavilion (support female change facilities) and modest internal improvements to the existing timber pavilion.
7. A basic renovation is considered no longer a viable option as both pavilions are no longer fit for purpose, meet contemporary facility standards or the growing needs and expectations from our clubs and community for accessible, inclusive facilities that support participation for everyone.
8. IGS is proposing to invest in the development of two new sports pavilions to replace the existing facilities at an estimated cost of between \$12M and \$14M. Draft concept plans have been developed and sporting clubs have been working with IGS and Council to inform the functional requirements of the two (2) pavilions and standards required to provide future proof accessible and inclusive facilities for future generations.
9. Other preliminary work has included site investigations, exploring feasibility options for one or two pavilions and building envelopes, assessing the condition of existing structures, conducting access assessments, reviewing planning controls, seeking heritage and arborist advice, and reviewing concept designs for optimal functionality.  

Given the significant change from the current lease with IGS, if agreed the proposed works requires a new lease and, therefore, Council must conduct a community engagement process to comply with Section 115 of the *Local Government Act 2020*.
10. Prior to commencing any works, IGS will also need to obtain planning approval for the use and development. In these cases, it is customary for parties to enter into an Agreement for Lease (AFL) that includes the requirement to obtain planning approval as a precondition for granting the lease.
11. To outline the essential terms of the AFL and lease, a Heads of Agreement (HOA) will be developed and serve as a mutually agreed roadmap for Council and IGS, highlighting the process that will be followed. Once both parties have endorsed the HOA, detailed drafting of the AFL and lease will commence with the associated community consultation.
12. IGS has advised Council that it is seeking a new capital improvement 40-year lease without rental in lieu of its significant investment in the design and construction of the two new sports pavilions.
13. Council understands that IGS requires a longer tenure commitment to the site given the significant value of the proposed investment and is willing to consider granting IGS an additional 20 years beyond the current term.
14. Regarding rental, Council is keen to establish a basic level of rental and proposes that this can be achieved by removing the obligation in the existing lease for IGS to pay an annual contribution into a "sinking fund" (currently \$6,000 p.a.) and replacing it with \$12,000 rental (plus 4% annual increases) for the duration of the lease.
15. This project presents a unique opportunity to deliver significant community sports infrastructure for generations to benefit from at no cost to Council. It aligns strongly with several of Council's key strategies and organizational priorities.

16. The endorsing of a HOA by both parties is the first critical step for this project that will lay the foundations for the extensive community consultation and engagement that will be undertaken for both the new lease and planning application stages.

## RECOMMENDATION

That Council:

1. Notes that Ivanhoe Grammar School (IGS) is proposing to construct two new sports pavilions at Chelsworth Park at an estimated cost to IGS of \$12M to \$14M, subject to obtaining a new lease and planning approval.
2. Authorises the CEO to proceed with negotiations with IGS to enter into a Heads of Agreement (HOA) with IGS that details the statutory and other processes required for the grant of a new lease and obtaining planning approval and sets out the key terms of an IGS Agreement for Lease (AFL) and lease that can be signed by both parties before detailed drafting of the AFL and a new lease commences.
3. Resolves that, subject to the statutory process under the Local Government Act 2020, the terms and conditions of the proposed lease generally be the same as the existing lease with the following new key terms and modifications endorsed for inclusion:
  - a) **Tenure** - 30 years plus 2 x 5-year options (total 40 years) commencing the day following the planning permit being issued.
  - b) **Rental** – \$12,000 per year (plus annual increases of 4%)
  - c) Repairs and maintenance specific reference to existing improvements will need to be amended to refer to the new pavilions, currently \$400,000 pa.
  - d) Removal of current obligation on IGS to install a fourth tennis court and multi court.
  - e) Review of role, purpose, and membership of Chelsworth Park Reference Group – look to remove from lease and establish as an advisory committee to Council.
  - f) Removal of current obligation on IGS to contribute \$6,000 per year to sinking fund, having regard to proposed increase in rental.
  - g) Removal of Council receiving 50% of sporting club fees and charges for ground and pavilion use.
4. Requests a further report be presented to Council with the final negotiated HOA for Council's consideration and endorsement.
5. Requests a detailed community consultation plan be presented to Council that clearly identifies the opportunities for community input and feedback on the proposed AFL and planning permit as well as broader project outcomes

## Resolution (CO2023/200)

That Council:

1. Notes that Ivanhoe Grammar School (IGS) is proposing to construct two new sports pavilions at Chelsworth Park at an estimated cost to IGS of \$12M to \$14M, subject to obtaining a new lease and planning approval.
2. Authorises the CEO to proceed with negotiations with IGS to enter into a Heads of Agreement (HOA) with IGS that details the statutory and other processes required for the grant of a new lease and obtaining planning approval and sets out the key terms of an IGS Agreement for Lease (AFL) and lease that can be signed by both parties before detailed drafting of the AFL and a new lease commences.
3. Resolves that, subject to the statutory process under the Local Government Act 2020, the terms and conditions of the proposed lease generally be the same as the existing lease with the following new key terms and modifications endorsed for inclusion:
  - a) **Tenure** - 30 years plus 2 x 5-year options (total 40 years) commencing the day following the planning permit being issued.
  - b) **Rental** – \$12,000 per year (plus annual increases of 4%)
  - c) Repairs and maintenance specific reference to existing improvements will need to be amended to refer to the new pavilions, currently \$400,000 pa.
  - d) Removal of current obligation on IGS to install a fourth tennis court and multi court.
  - e) Review of role, purpose, and membership of Chelsworth Park Reference Group – look to remove from lease and establish as an advisory committee to Council.
  - f) Removal of current obligation on IGS to contribute \$6,000 per year to sinking fund, having regard to proposed increase in rental.
  - g) Removal of Council receiving 50% of sporting club fees and charges for ground and pavilion use.
4. Requests a further report be presented to Council with the final negotiated HOA for Council's consideration and endorsement.
5. Requests a detailed community consultation plan be presented to Council that clearly identifies the opportunities for community input and feedback on the proposed AFL and planning permit as well as broader project outcomes

Moved: Cr Alida McKern  
Seconded: Cr Tom Melican

CARRIED

## 7.2 2/50 CHAPMAN STREET, MACLEOD - RENEWAL OF TELECOMMUNICATIONS LEASE WITH TPG TELECOM LIMITED

***Councillor Dimarelos returned to the Chamber at 10.55pm and was present for the vote.***

**SUMMARY**

1. TPG Telecom Limited (TPG), (formerly Vodafone Hutchison Australia Ltd) currently leases part of Macleod Park known as 2/50 Chapman Street, Macleod in the south-west corner of the park for the purposes of a telecommunications facility. The Lease expired on 5 October 2023 and is in overholding.
2. TPG has agreed to enter a new lease for a term of 20 years at a commencing rent of \$19,000 (excl GST) per annum.
3. Council published the proposed lease in the 2023/24 Council budget pursuant to section 115(3) of the *Local Government Act 2020* (the Act). Therefore, no further community engagement is required prior to entering this lease.

**RECOMMENDATION**

That Council:

1. having complied with section 115(3) of the *Local Government Act 2020*, approves entering a new Lease with TPG Telecom Limited (TPG) for a term of 20 years commencing 1 November 2023 at a commencing rent of \$19,000 per annum (GST excl).
2. authorises the Chief Executive Officer or their delegate to finalise negotiations with TPG and execute the lease.

**Resolution (CO2023/201)**

That Council:

1. having complied with section 115(3) of the *Local Government Act 2020*, approves entering a new Lease with TPG Telecom Limited (TPG) for a term of 20 years commencing 1 November 2023 at a commencing rent of \$19,000 per annum (GST excl).
2. authorises the Chief Executive Officer or their delegate to finalise negotiations with TPG and execute the lease.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

**8. OUR THRIVING LOCAL ECONOMY**

Nil

**9. NOTICES OF MOTION**

Nil

**10. GENERAL BUSINESS**

***Councillor Di Pasquale left the Chamber at 10.58pm.***

***Councillor Di Pasquale returned to the Chamber at 11.01pm.***

**The Age Article - 27 October 2023 – ‘Roads, rates, rubbish...and lawyers: what your council spends on legal fees’**

Cr Garotti noted an article in The Age, 27 October 2023 regarding the legal expenditure of Councils. Cr Garotti expressed concern over Banyule Council figures (over \$1.2m over the last two (2) years) and advised that prior to the Age article, Council requested a report from officers to review costs.

**Community Meeting - Thursday 2 November 2023.**

Cr McKern advised of a Community Meeting to be held on Thursday at Ivanhoe Library from 6.15 – 8.15pm and called for agenda items from anyone wishing to attend.

**Darebin Creek Management Committee (DCMC)**

Cr McKern recently attended a Darebin Creek Management Committee (DCMC) Planning Day where the potential restructure of the DCMC board was discussed. Cr McKern wished DCMC representatives all the best for the restructure process and the committee moving forward.

**Senior Morning Tea – The Centre Ivanhoe – 17 October 2023**

Cr McKern along with Mayor Cr Castaldo, Cr Champion, Cr Garotti and Cr Melican, attended the Senior Morning Tea celebration at The Centre Ivanhoe which is always a popular event evidenced by the demand for tickets and full house on the day. The event was held on

**Networking Session – Friends of Groups working on Council land**

Cr McKern extended her thanks to officers for the networking session that was organised for the various Friends of Groups that are working on Council land. Cr McKern expressed that she attended the Heidelberg event which was well attended and called for feedback so as to help improve future sessions. Cr McKern closed by extending thanks to and acknowledging John Walkley for suggesting the successful initiative.

**Community Gala – Saturday 28 October 2023**

Mayor Cr Castaldo discussed the Community Gala held on Saturday 28 October 2023 and extended his thanks to the Community for their ongoing support and volunteering efforts to support Banyule.

**PUBLIC QUESTION TIME**

	<p><b>Resubmission</b>  <b>Name and Details</b>                  Alicia Curry - Rosanna</p>
	<p><b>Question</b>                  Due to a correction required from Council Meeting 9 October 2023, this question was reread at the meeting                  The question was printed correctly in the minutes for 9 October 2023.</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>

**Governance Rules**

This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.

**Officer Response**

Council provides a range of ways for people to contribute to consultation projects including online and face to face methods.

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.

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.

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.

**Darren Bennett** – Director Assets & City Services

	<p><b>Resubmission</b> <b>Name and Details</b> Jane Crone – Eaglemont</p>
	<p><b>Question</b> Due to a correction required from Council Meeting 9 October 2023, this question was reread at the Meeting The question was printed correctly in the minutes for 9 October 2023.</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 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>Governance Rules</b> This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.</p>
	<p><b>Officer Response</b> The Warringal Conservation Society currently meet at the Old Shire Hall along with other community groups. 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. This upgraded storage will add great value to this community facility and benefit all user groups. 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</b> – Acting Director Community Wellbeing</p>



#1	<b>Name and Details – Anonymous</b>
	<p><b>Question</b> Will Council commit to continue citizenship ceremonies on and celebrate Australia Day for all Banyule residents on the 26th January?</p>
	<p><b>Governance Rules</b> This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.</p>
	<p><b>Officer Response</b></p> <p>In December 2022, the Federal Government made an announcement notifying of a slight tweak to change the mandate for Council's to hold Citizenships Ceremonies on Australia Day (January 26), with no requirement for ceremonies to be held on January 26 and allowing Councils to hold ceremonies between 23rd to 29th January, without being stripped of their rights to hold other Citizenships Ceremonies.</p> <p>Council will continue to hold citizenship ceremonies in accordance with the Code. Whilst the schedule of dates for 2024 are yet to be determined, the first Citizenship Ceremony of 2024 will be held on Wednesday 24 January.</p> <p>Council have not hosted or funded specific Australia Day celebrations previously and there are no scheduled events planned for Australia Day for 2024.</p> <p><i>Krysten Forte – Manager Governance and Integrity</i></p>

#2	<b>Name and Details</b> Jodie Barns - Watsonia
	<p><b>Background Information</b> At a Council meeting last year, the petition with over 2000 signatures supporting Rosanna Parklands as an off-lead dog park was noted as a strong indicator of community support. However, despite multiple requests for updates, I've received no response. This is disappointing, as the Council's role is to listen to residents and respond to significant community concerns.</p>
	<p><b>Question</b> Can the Council provide detail on how the petition with over 2000 signatures in support for Rosanna Parklands being retained in its entirety as an off-lead dog park is being considered in the feedback and decision making in the 'public order review for dogs and cats in public places' given it showed strong community support for the Parklands staying as an off-lead dog park?</p>
	<p><b>Governance Rules</b> This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.</p>
	<p><b>Officer Response</b> <i>Council will consider a report later this year containing a draft discussion paper which will provide further information to the community in relation to the review of the Public Order which designates on-lead and off-lead parks in Banyule. Subject to Council approval of the draft discussion paper, the community will be provided with an opportunity to comment prior to Council considering any recommendations coming from the review of the Public Order.</i></p>

Jonathan Risby - *Acting Director City Development*

#3	<b>Name and Details</b> Pippa Griffith – Ivanhoe East
	<b>Question</b> The Council Meeting Agenda always states that the livestream of the meeting will be available on Council's Facebook and website, but recently it has not been possible to find an active livestream link on the website; and as a significant portion of the population is either unable or unwilling to use social media, including Facebook, can Council please reinstate the non-Facebook link on the website, together with details about how to find that link on the website and in both the Agenda and the Banner?
	<b>Governance Rules</b> This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.
	<b>Officer Response</b> Council meetings are livestreamed simultaneously on Council's website (not requiring any login details) and Facebook. This has been the case for all meetings over the past few years. A news item is created for each Council meeting that sits on the home page of Council's website and a recording of the meeting is also available within the relevant Council meeting webpage post the meeting. Feedback has been received that the live stream of the meetings isn't easy to find using the website search function. Council's Communications team will make adjustments to make live streams easier to access for those using search effective immediately.  <i>Krysten Forte – Manager Governance and Integrity</i>

#4	<b>Name and Details</b> John Walkley
	<b>Background Information</b> I participated in a resilience workshop of Council staff, elected members and volunteers. It was incidentally mentioned at that workshop that Bellfield Community Hub was ONE of Council's disaster relief centres, suggesting there are multiple such facilities.
	<b>Question</b> "Can Council please identify, describe and quantify the capacity of the facilities in Banyule which are the Council's nominated disaster relief centres".
	<b>Governance Rules</b> This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.
	<b>Officer Response</b> An Emergency Relief Centre is an identified Council facility that can be used to provide support to the community during an acute event such as a bushfire or flood where community members have been displaced from their homes. The purpose of an Emergency Relief Centre is to provide a safe space that can provide for the immediate needs of those members of the community that have been displaced. This includes short term emergency accommodation, personal support and information and referral pathways. At present Banyule has 7 designated sites that can be used as an Emergency Relief Centre: <ul style="list-style-type: none"> <li>- Bellfield Community Hub (capacity 200)</li> <li>- Ivanhoe Centre Upper (Great Hall and Upper Great Hall) (capacity 200)</li> <li>- Ivanhoe Centre Lower (Streeton, Condor and McCubbin rooms) (capacity 160)</li> <li>- Banyule Nets Stadium Macleod (capacity 200)</li> </ul>

	<ul style="list-style-type: none"> <li>- Bundoora Hall (capacity 75)</li> <li>- Petrie Park Community Hall (capacity 50)</li> <li>- Warringal Parklands Precinct Site Heidelberg (capacity 70 across the Old Shire Offices and Pavilion)</li> </ul> <p>An Emergency Relief Centre is generally opened upon the advice of emergency services such as Victoria Police, Fire Rescue Victoria or the State Emergency Service. Council operates the site with assistance from the Department of Families, Fairness and Housing, Red Cross and other support services.</p> <p>The site will provide accommodation if required (mattresses), catering, amenities (shower/toilet), personal support (emergency grants, counselling) and animal management support.</p> <p>Jo Wilson – <i>Acting Director Community Wellbeing</i></p>
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<b>#5</b>	<p><b>Name and Details</b> Jane Crone - Ivanhoe</p>
	<p><b>Question</b> What is the weed killer that Councils’ contractors are using to spray on weeds adjacent to my property and also above the cutting? where I asked the worker what he was using and he responded that he didn’t know which makes me very concerned due to given a recent Age article “<i>Councils Weeds Killing Plans Cop a Spray</i>” which confirmed Melbourne’s 31 Councils were using herbicide instead of steam and hand weeding, although in many countries this herbicide is now banned.</p>
	<p><b>Governance Rules</b> This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.</p>
	<p><b>Officer Response</b></p> <p>Council’s Parks Presentation teams use Weedmaster Duo, active ingredient Glyphosate, to control annual and perennial weeds. The product is used in accordance with the directions provided by the manufacturer to manage listed and targeted weeds at sites such as the Cutting.</p> <p>As a matter of practice our teams apply the herbicide sparingly and it is only used when the weather conditions are appropriate. Weedmaster Duo is applied in conjunction with a blue dye to assist staff identifying and applying the herbicide to target weeds.</p> <p>Council uses hand weeding and spot burning at some open space sites based on the type and density of target weeds, however this is not always possible due to uneven or unstable terrain. Weedmaster Duo is not used in Councils playgrounds, or in or around childcare facilities these areas are hand weeded by our teams.</p> <p><i>Darren Bennett – Director City Assets and Services.</i></p>

<b>#6</b>	<p><b>Name and Details</b> Alicia Curry</p>
	<p><b>Question</b></p>

	<p>As Banyule Council's facebook page has joined and become a member of a single privately (and possibly commercially managed) Facebook group, which raises questions of policy, integrity, bias and transparency, could council provide the policy and authorisation required for their own Facebook page to join and potentially act within this and other private (ie not publicly visible) Facebook groups or pages?</p>
	<p><b>Governance Rules</b> This question is allowed in accordance with the Governance Rules and our Public Question Time guidelines.</p>
	<p><b>Officer Response</b></p> <p>Council has occasionally requested to join private/closed Facebook groups that are local to the area or relevant to Council business. This allows Council to gain insight into community views and activities and to, if needed clarify information about Council services and projects.</p> <p>If an individual is also a member of one of those private groups, they will see that Banyule is a member. Community members will only see the community groups that they are mutually connected to.</p> <p>Closed groups usually have some kind of conduct principles or policies in place for members and by requesting to join the group Council agrees to those conduct principles and policies that the group has in place. Private/closed groups have their own discretion as to who to accept or not accept as members. Council officers are bound by Councils Social Media policy in all online activity including closed groups.</p> <p>Council is satisfied that there are no transparency, accountability, or integrity issues connected to Banyule's participation in closed facebook groups.</p> <p><i>Krysten Forte – Manager Governance and Integrity</i></p>

### Closure of Meeting to the Public

In accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council Closes the meeting to members of the public prior to the consideration of three (3) confidential matters.

### Confidential Matters

**11.1** – 1 Flintoff Building Improvement Works

**11.2** – Potential Strategic Acquisition

**11.3** - CEO Employment Matters Report

- **Item 11.1** has been designated confidential pursuant to section 3(1)(b) of the Local Government Act 2020 as it contains confidential information relating to security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- **Item 11.2** has been designated confidential pursuant to section 3(1)(a) and (g) of the Local Government Act 2020 as it contains information confidential Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released. The report also contains information regarding private commercial information, being information provided by a business, commercial or financial undertaking that relates either to trade

secrets; or if it was released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

**Item 11.3** has been designated confidential pursuant to section 3(1)(f) of the Local Government Act 2020 as it relates to personnel matters, being information which if it was released would result in the unreasonable disclosure of information about any person or their personal affairs. The information in the report relates to the employment, remuneration and the annual performance review of the Chief Executive Officer.

*The Ordinary Council Meeting was closed to the public at 11.15pm*

*The Confidential Council Meeting opened at 11.22pm in order to deal with **item 11.1, item 11.2 and item 11.3.***

***No information was resolved to be released to the public from the above items as the relevant confidentiality designation pursuant to section 3(1) of the Local Government Act 2020 remains at this time.***

**Closure of Meeting**

The Confidential meeting closed at 11.27pm and did not reopen to the public.

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

.....  
MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 20 November 2023.*