

# Minutes of the Ordinary Meeting of Council



Held on the 17 August 2020

Olympia, Hawdon & Ibbott Rooms  
Level 4, 1 Flintoff Street, Greensborough

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## MINUTES

The Meeting opened at 7.00pm.

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

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

### **Present**

Mayor Cr Alison Champion, Cr Peter Castaldo, Cr Mark Di Pasquale, Cr Rick Garotti, Cr Craig Langdon, Cr Tom Melican

### **Apologies**

Cr Wayne Phillips

### **Leave of Absence**

Nil

### **Confirmation of Minutes**

That the following Minutes be confirmed:

*Ordinary Meeting of Council held 27 July 2020*

Moved: Cr Craig Langdon

Seconded: Cr Tom Melican

CARRIED

### **Disclosure of Interests**

Nil

### **Presentation**

Nil

## **1. URGENT BUSINESS**

## **2. PETITIONS**

Nil

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### 3. PEOPLE – COMMUNITY STRENGTHENING AND SUPPORT

#### 3.1 PROPOSAL FOR THE ESTABLISHMENT OF A BANYULE SCOUTS GRANTS PROGRAM

A statement was read on behalf of Kevin Biaggini.

##### EXECUTIVE SUMMARY

This report responds to the following resolution considered at the Ordinary Council Meeting on 9 December 2019:

“That a report be presented to Council investigating the establishment of an annual grants program in the 2020/21 budget to assist the local scouting community apply for capped funding assistance from Council for minor works, or major works where there is a matched contribution from either the Scout groups themselves, or from other bodies or agencies.”

Scouting has successfully shaped the development of young people in local communities around the world for more than 100 years. The Scouts Association of Australia, Victorian Branch, (Scouts Association) is the auspice for the 13 local Scouts groups.

Banyule Scouts groups are operating in buildings that generally require ongoing maintenance and a financial injection for minor and major capital works.

Three options have been identified:

1. Establishment of a new Banyule Scouts Grants Program
2. Establishment of a 4-year Capital Works Program with an annual schedule of works;
3. Inclusion of a new category of *Banyule Scouts Capital Works* within the existing COVID-19 Community Support Grants' administration and criteria.

It is proposed that a \$100,000 annual grants program be established targeting Banyule Scouts to address the minor and major capital works that are needed for their buildings.

##### Resolution (CO2020/143)

That Council:

1. Establishes a new annual Banyule Scouts Grants Program with an annual allocation of \$100,000 with a full \$100,000 available in 2020/21 financial year to deliver the program;
2. Adopts the *Banyule Scouts Grants Program Guidelines* (Attachment 1) with an amendment to the Purpose section to clarify that matched funding is to be demonstrably sought by applicants but not required as a condition for Council grant funding; and
3. Notes that, as part of an Annual Report to allocate grants to successful applicants, Council will review the workings of the program.

Moved: Cr Craig Langdon  
Seconded: Cr Rick Garotti

CARRIED

### 3.2 PROPOSED NEW LEASE WITH THE SCOUTS ASSOCIATION OF AUSTRALIA (VICTORIAN BRANCH) - VARIOUS SITES

#### EXECUTIVE SUMMARY

- At its meeting on 27 July 2020, Council received and considered one written submission pursuant to section 223 of the *Local Government Act* 1989 ('the Act') regarding a proposed new lease with The Scouts Association of Australia (Victorian Branch) ('Scouts') for 10 scout hall sites.
- The submitter raised concern about the proposed annual rental of \$1,250 plus GST and considered a peppercorn rent was more appropriate.
- The proposed lease is for a term of five years commencing 1 July 2020 and ending 30 June 2025 with a five-year option and a commencing rent of \$1,250 (GST excl) per annum.
- Council has completed the statutory procedures under sections 190 and 223 of the Act regarding the proposed new lease to Scouts and can now decide whether or not to grant a new lease to the Scouts.

#### Resolution (CO2020/144)

That

1. Having complied with sections 190 and 223 of the *Local Government Act* 1989 by:
  - a. giving notice in the Herald Sun newspaper on 6 June 2020;
  - b. inviting written submissions and requests to be heard in support of any submission at Council's Ordinary Meeting of 27 July 2020; and
  - c. recording and considering the one submission received

Council is of the opinion that the proposed lease to The Scouts Association of Australia (Victorian Branch) for a term of five years commencing 1 July 2020 and ending on 30 June 2025 with a five-year option for an annual rental of \$1,250 (GST excl) for 10 scout hall sites, is offered on fair and reasonable terms and in accordance with Council's Lease and Licence Framework 2018.

2. Council grants a lease to The Scouts Association of Australia (Victorian Branch) for a term of five years commencing 1 July 2020 and ending on 30 June 2025 with a five-year option for an annual rental of \$1,250 (GST excl) for 10 scout hall sites.
3. Council authorises the Director City Development to execute the Lease deed on behalf of the Council.
4. Council advises the submitter of Council's resolution and its reasons pursuant to section 223 of the Act.

Moved: Cr Tom Melican  
Seconded: Cr Craig Langdon

CARRIED

### 4. PLANET – ENVIRONMENTAL SUSTAINABILITY

Nil

## 5. PLACE – SUSTAINABLE AMENITY AND BUILT ENVIRONMENT

### 5.1 NORTH EAST LINK PROJECT: SUPREME COURT APPEAL SETTLEMENT

**Nola McDowell and Michelle Giovas spoke on the item via pre-recorded video and statements were read on behalf of Katie George and Emilia Williams.**

#### EXECUTIVE SUMMARY

The State Government formally announced the North East Link (NEL) project in 2016. Since then, Council has actively participated and contributed to the various phases of this project, including the:

- Technical Review Group process,
- Community Reference Group,
- Environment Effects Statement process,
- Early works; and
- A legal challenge regarding approval processes for the project.

In each of these phases, the involvement of Council has meant changes to the project that have improved the outcomes and reduced the impacts of the project to the Banyule Community.

There will be continued work on behalf of the community to advocate for further changes to the project that will further protect the natural environment, preserve local neighbourhoods, avoid dividing the community, minimise health impacts and provide for real solutions to the transport issues in the north including improved cycling and walking facilities and a reduction in through truck movements on local roads.

There will also be continued advocacy for improved local outcomes for all other State Government transport projects that impact Banyule.

The North East Link (NEL) Environment Effects Statement (EES) panel hearing was held in 2019. The Inquiry and Advisory Committee (IAC) hosted the panel hearing and provided its recommendations to the Minister for Planning, who released his assessment report on 5 December 2019. He also approved planning scheme amendment GC98 in early January 2020.

Maddocks Solicitors, working on behalf of Banyule, Boroondara and Whitehorse Councils, were instructed to investigate the lawfulness of the Victorian Minister for Planning's assessment report on the NEL Project and the Ministers decision on the planning scheme amendment. Legal proceedings subsequently commenced in the Supreme Court against the Minister for Planning's assessment of the environment effects of the North East Link project and his decision to approve the project under the planning scheme.

Judicial mediation commenced on 29 May 2020 with a Court approved independent mediator. Negotiations occurred directly with the State Government and NELP to consider matters of settlement of the case. A final offer was made by NELP to Council on 22 July 2020 which included commitments for Council input to the North East Link design, development and construction phases, opportunity for community comment on the design, a new town square and urban design upgrades at Watsonia, new cycle paths, and upgrades to the Trist Street Reserve.

At the time of the final offer and given the withdrawal of the other Council's from the legal proceedings, updated legal advice was obtained on Council's prospects of success in its challenge. The revised legal advice clearly states that Council's prospects of success have been significantly diminished due to a recent decision of the Supreme Court regarding the Western Highway EES, combined with the Cities of Boroondara, Manningham, and Whitehorse settlement of the case with NELP and withdrawal from the legal proceeding.

On the basis of the updated legal advice, Council decided at its meeting on 27 July 2020 to settle the case to achieve a better community outcomes, particularly in the vicinity of Watsonia and for cycling infrastructure. The legal proceedings have been subsequently withdrawn.

Council also decided to continue to advocate to the State Government and NELP for other key projects to be delivered for the Banyule community and improve outcomes for the design and delivery of the North East Link.

### **Resolution (CO2020/145)**

That Council:

1. Continues to work in partnership with residents, local businesses and traders, community groups to advocate to local MPs to achieve the best possible outcomes for the North East Link in Banyule. Including working with the North East Link Project and its contractors to limit the impact on Banyule residents and business, during the early works and full construction period.
2. Continues to pursue the delivery of projects from the Council adopted North East Link Advocacy Project List – 3 February 2020 with the North East link Project and the State Government.
3. Continues to communicate the recent decision to withdraw from the Supreme Court Appeal for the NE Link Project in accordance with the parameters set by the settlement agreement, and Council's ongoing advocacy to achieve improved outcomes for the community, to key local stakeholders, on Council's website and to all local residents. Key messages will include that:
  - a) Council will continue to advocate for changes to protect the natural environment, preserve local neighbourhoods, avoid dividing the community and provide for real solutions to the transport issues in the north.
  - b) Initial scoping of the project recognised the potential impact on Banyule and included a tunnel under the important Banyule Flats Environmental area, ensure non toll road main road access is maintained for local residents and kept the Lower Plenty Road interchange to the north side of Lower Plenty Road to avoid significant property acquisition.
  - c) Key changes to the reference design and alternative design proposal has been achieved following strategic advocacy by Banyule early in the projects preliminary design phase such as the improved design of infrastructure in the vicinity of Watsonia Activity Centre, shared user and cycling paths and new green bridges along the project corridor.
  - d) More than \$30 million worth of new investment in pavilions, sporting and community facilities to be developed in Banyule proximate to the North East Link corridor has already been agreed by the State Government and is currently being delivered. This includes projects such as the Binnak Park pavilion and sports field

upgrade, the Ford Park Masterplan implementation and Greensborough Secondary College sports fields.

- e) The Environmental Performance Requirements established as part of the Environmental Effects Statement approval process has been influenced by Council which has resulted in a number of new EPRs being approved, more prescriptive wording for many of the original draft EPRs and a requirement for Councils to provide feedback to NELP in the development of Urban Design Framework Plans for all the interchanges of NEL and a specific plan for Watsonia Neighbourhood Activity Centre.
  - f) As part of the Supreme Court Mediation process Council has secured ongoing direct involvement in the design, development and construction phases on the project, the Victorian Government and NELP have agreed to deliver additional improvements to Watsonia Village (\$5.5million for upgrade designs and a new town square), significant improvements to pedestrian and cycling paths (\$3.1million for designs in Heidelberg and delivery of east west path in Watsonia) and an upgraded Trist Street Reserve (\$80,000).
  - g) Community expectations for the project outcome have been outlined to the project delivery bidding consortium so that they can consider opportunities to improve the project in their final designs. This advocacy will continue as the designs are finalised and the project implemented and could include better environmental protection, potentially a partial longer tunnel, reduced intersection footprints, improved landscaping, green bridges, shared user paths and local economic, business and social support.
  - h) Council's adopted North East Link Complementary Project Advocacy List - 3 February 2020 will continue to be used and advocated for, with the list to be revisited and compared with the inclusions of the North East Link project, after the contract has been awarded later this year and updated appropriately.
  - i) Council will continue to work closely with key stakeholders in the vicinity of the North East Link project to ensure that the positive outcomes expected from the project are delivered to the community and that detrimental impacts during construction are minimised.
  - j) Strong advocacy more broadly for transport improvements in the Banyule area such as an upgraded station at Watsonia and a fully accessible transport interchange at the new Greensborough station as key projects for the community as part of the Hurstbridge Railway Line Upgrade (Stage 2).
4. Allocates an additional \$200,000 in the 2020/21 financial year for a North East Link and transport advocacy campaign with officers to prepare a report for Council on how this campaign is to be delivered.

Moved: Cr Rick Garotti  
Seconded: Cr Tom Melican

CARRIED

## **5.2 HURSTBRIDGE RAILWAY LINE UPGRADE (STAGE 2): ADVOCACY TO ADDRESS PROJECT SHORTCOMINGS**

**A statement was read on behalf of Kevin Biaggini.**

### **EXECUTIVE SUMMARY**

The duplication of the Hurstbridge Railway line from Greensborough to Eltham and provision of an Intermodal Transport Interchange at Greensborough Railway Station has been an important project that has been strongly advocated to the State Government for delivery for many years.

The Greensborough Principal Activity Centre Plan “The Greenbook” was developed and adopted in October 2006. The Plan incorporated previously developed State Government planning for the provision of a transport interchange at Greensborough Station as part of the revitalisation of the town centre.

In 2017, the Greensborough Transport Masterplan was developed to provide an update on opportunities to improve local transport systems to and within the Greensborough Activity Centre. One of its objectives was to improve public transport including: an integrated Greensborough Transport Interchange; improved bus routes; duplication of the Hurstbridge Railway Line between Greensborough and Eltham; and a 10-minute rail service frequency to Greensborough.

There was no significant progress on the implementation of a rail duplication past Greensborough or a transport interchange until a State Government commitment prior to the 2018 State Government election. At this time the delivery of a transport interchange at Greensborough was included in the promised actions of a re-elected Government.

Following Labor's election success, it was anticipated that a transport interchange would soon again be in State Government planning and development and would be a key inclusion in the Level Crossing Removals Projects' Hurstbridge Rail Duplication from Greensborough to Eltham. As part of the 2019/20 Victorian State Budget, \$547 million was allocated to the Hurstbridge Railway Line Stage 2 Upgrade project. In May 2019 the Level Crossing Removal Project (LXRP) announced the upgrade of the Hurstbridge Railway line between Greensborough and Eltham. However, the project scope did not include the transport interchange.

On 8 July 2020 Council received formal notice of the release of the State Government's response to consultation undertaken with stakeholders including Banyule Council and the community regarding the Hurstbridge Railway Line Stage 2 Upgrade project.

The Minister for Planning advised that he considers the consultation processes and feedback detailed in the *Hurstbridge Line Upgrade 2020 – Consultation Report – May 2020* satisfies the requirements of Clause 52.03-4 of the Banyule Planning Scheme.

The report largely confirms the previous advice received including the Project scope in Banyule of:

- A new Greensborough Station.
- A major upgrade to Montmorency Station.
- Duplication of 3kms of track between Greensborough and Montmorency.
- A new rail bridge over the Plenty River, Greensborough.
- Replacement road over rail bridge at Mountain View Road Montmorency.
- A new substation at Greensborough.
- Associated signaling, stabling and power improvements to the rail system

Despite repeated submissions and requests, the consultation report confirms that the provision of a bus interchange at Greensborough, a shared user path along the rail corridor, and supporting taxi zones and pedestrian and cycling facilities at both Montmorency and Greensborough Stations will not be provided as part of the project scope but will be future proofed for delivery by State Government when future funding becomes available. The failure to include these elements in the project is considered a major shortcoming and contrary to previous commitments made by the State Government.

The report also confirmed that no additional parking will be delivered at either Greensborough or Montmorency stations as part of the project scope. The state government is reviewing the provision of additional parking outside of the scope of the project. Council's current position on station commuter parking is that additional parking supply is needed on the Hurstbridge Line and should be accommodated by an increase in supply at Watsonia Station.

Further community consultation on station design elements is due to commence shortly. Final designs are expected to be announced in late 2020. Construction is expected to be underway from late 2020 and be complete in 2022.

### **Resolution (CO2020/146)**

That Council:

1. Steps up its strong advocacy regarding the Hurstbridge Railway Line Upgrade (Stage 2) to ensure improved outcomes for the community are achieved with a specific focus on the following key components being included in the scope:
  - a. An off road bus interchange at Greensborough Station;
  - b. A shared user path to be provided along the rail corridor;
  - c. A taxi zone and pedestrian and cycling facilities at both Montmorency and Greensborough Stations;
  - d. General landscaping and urban design enhancements;
  - e. The potential for an upgrade at Watsonia Station as an additional scope, with delivery aligned to the NE Link project improvements at Watsonia.
2. Writes to the Premier of Victoria and the Minister for Transport Infrastructure requesting the inclusion of an integrated public transport interchange in the new Greensborough Station (to be built as part of the Hurstbridge Rail Line duplication stage 2 works) as promised prior to the State Government election in November 2018 in addition to other scope enhancements.

3. Provides an update to the Banyule community in the Banner and via social media channels regarding Council's advocacy for additional components being included in the scope of the Hurstbridge Railway Line Upgrade (Stage 2) with a specific emphasis on the provision of a transport interchange at Greensborough Station and a shared user path between Greensborough and Montmorency.

Moved: Cr Tom Melican  
Seconded: Cr Craig Langdon

CARRIED

### 5.3 COMMUNITY CLIMATE ACTION PLAN ADOPTION

**David Mulholland spoke on the item via pre-recorded video and a statement was read on behalf of Dr Anthony Lunken.**

#### EXECUTIVE SUMMARY

As part of the 10 December 2018 Climate Action Resolution (CO2018/267) Council requested the investigation into how Banyule could support the community in working towards carbon neutrality.

Work has been undertaken over the last 10 months to inform a Community Climate Action Plan (CAP), which builds on the recently adopted Corporate Emissions Reduction Plan (CERP).

Consultation on the draft Community CAP with Councillors and BEAC was undertaken during February 2020. Constructive feedback was provided and incorporated into the Plan, before a six-week period of public consultation.

A range of comments were received as part of the recent public exhibition process, with revisions and strengthening of the Plan undertaken. A summary of changes which have been made to the Plan is included in **Attachment One**.

The final Plan (**Attachment Two**) is now ready to be considered by Council. Following adoption of the Plan, a graphic designed version including illustrated case studies will be prepared and promoted widely throughout the Banyule community.

#### Resolution (CO2020/147)

That Council:

1. Write to community groups and individuals who made a submission during the public exhibition period and thank them for their invaluable contribution to the Plan.
2. Adopt Banyule's inaugural Community Climate Action Plan (August 2020) after requesting officers to:
  - a. include a target of zero net community emissions by 2040 within the plan.
  - b. adjust the interim target for 2024 on page 22 of the plan having regard for the zero net community emissions target.
3. Consider ongoing financial support through future budget processes to help unlock community and business potential to deliver on actions within the Community Climate Action Plan.

4. Receive further annual reports on the implementation of the Community Climate Action Plan via the annual State of the Environment (SOE) Report.
  - a. A key focus of the annual reporting will be to develop and continually refine the pathways to achieve the target in collaboration with the community.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

**6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE**

Nil

## 7. PERFORMANCE - USE OUR RESOURCES WISELY

### 7.1 GOVERNANCE RULES (DRAFT)

**Brian Grace spoke on the item via pre-recorded audio and David Mulholland spoke on the item via pre-recorded video**

#### EXECUTIVE SUMMARY

Pursuant to s 60 of the *Local Government Act 2020* (the Act), Council is required to adopt and apply Governance Rules which describe the way it will conduct Council meetings and make decisions.

The Rules outline the procedures for Council Meetings and set the rules of behaviour for those participating and present at the meeting. They also outline the process for the appointment of the Mayor and Deputy Mayor.

The Draft Governance Rules are designed to ensure good governance by Council through the performance of its role in accordance with the overarching governance principles and supporting principles of the Act.

The Draft Governance Rules will replace the Meetings Procedures Code 2015. The Governance Local Law No.2 is still in operation until 2025 unless amended or revoked sooner.

The Governance Rules must be adopted by 1 September 2020 in accordance with the requirements by the Act. Some provisions in the new Governance Rules such as Conflict of Interest processes will only come into operation once the relevant provisions in the *Local Government Act 1989* are repealed.

The Governance Rules must incorporate a council's Election Period Policy. Council last adopted its Election Period Policy on 7 October 2019 which is being updated to incorporate new 2020 references and requirements.

At its Ordinary Meeting held on 6 July June 2020, Council resolved to endorse the Draft Governance Rules for public exhibition via Shaping Banyule in the week commencing 7 July 2020. Public exhibition closed on the 4 August and two submissions were received and are detailed in this report. Council is now required to adopt the Governance Rules.

#### Resolution (CO2020/148)

That Council:

1. Adopt the Governance Rules to take effect from 18 August 2020, noting some provisions are not fully operational until the *Local Government Act 1989* provisions are repealed.
2. Revokes the Banyule Meeting Procedures Code (2015) upon the Governance Rules taking affect.
3. Thank the submitters for their contributions.
4. Undertake a review of the current public participation processes in the new Council term (post the October 2020 Council elections) in consultation with the community.

Moved: Cr Craig Langdon  
Seconded: Cr Rick Garotti

CARRIED

## 7.2 PUBLIC TRANSPARENCY POLICY (DRAFT)

### EXECUTIVE SUMMARY

The Banyule Public Transparency Policy supports Council in its ongoing drive for good governance, the importance of open and accountable conduct, and how Council information is to be made publicly available.

A key tenet of the Public Transparency Principles in the new *Local Government Act 2020* (the Act) is that Council information must be publicly available unless it is confidential by virtue of legislation or making it available would be contrary to the public interest.

The draft Policy is based on the Model Policy issued by Local Government Victoria (LGV), other Council draft policies, and discussions held with other councils and networks.

The draft Policy addresses each Public Transparency Principle:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- Council information must be publicly available unless—
  - the information is confidential by virtue of this Act or any other Act; or
  - public availability of the information would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community;
- Public awareness of the availability of Council information must be facilitated.

At its Ordinary Meeting held on 6 July June 2020, Council resolved to endorse the Draft Banyule Transparency Policy for public exhibition via Shaping Banyule in the week commencing 7 July to 4 August 2020. Public exhibition closed on 4 August and no submissions were received. The Policy must be adopted by Council by 1 September to comply with the new requirements of the Act.

### **Resolution** (CO2020/149)

That Council adopt the Banyule Public Transparency Policy.

Moved: Cr Craig Langdon  
Seconded: Cr Tom Melican

CARRIED

### 7.3 COUNCIL EXPENSE POLICY (DRAFT)

#### EXECUTIVE SUMMARY

The Council Expenses Policy has been developed according to the new *Local Government Act 2020* (the Act).

The Policy specifies the procedures to be followed in applying for reimbursement of Councillor expenses in compliance with Section 40 of the Act, including that:

- a. the claim is for bona fide expenses
- b. the expenses have been reasonably incurred in the performance of the role of councillor or member of a delegated committee, and
- c. the expenses are reasonably necessary for the councillor or delegated committee member to perform that role.

The Act also requires the Policy to:

- provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role
- give regard to expenses incurred by a Councillor who is a carer and in a caring relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

The Policy also takes into consideration:

- the new requirements of the Act
- VAGO report on Fraud & Corruption in Local Government 2019
- the Local Government Victoria (LGV) draft Policy; and benchmarking with other councils.

Whilst it is drafted as a new Policy, it does incorporate many of the current provisions of Council's existing Policy.

Section 41 of the Act requires Council to adopt an Expenses Policy by 1 September 2020 to apply from the new Council term.

#### **Resolution (CO2020/150)**

That Council

1. Amends the Council Expense Policy to ensure the Mayoral Vehicle is compliant with Council's 'Actions for Zero Net Emissions (2020-2023 Plan for a Carbon Neutral Banyule City Council by 2028)' to be a zero emissions vehicle unless the requirements of the Mayoral Vehicle are such that this is not possible
2. Adopt the Banyule Council Expense Policy (Attached).

Moved: Cr Peter Castaldo  
Seconded: Cr Rick Garotti

CARRIED

## 7.4 AUDIT & RISK COMMITTEE

**Kevan Hill spoke on the item via pre-recorded video.**

### EXECUTIVE SUMMARY

The new *Local Government Act 2020* (the Act) was enacted on 6 April 2020 with a staged implementation and operation dates. Requirements in relation to the Audit and Risk Committee come into effect 1 September 2020.

There are five new requirements that Audit and Risk Committees must meet:

1. **Audit and Risk Charter**

Council must prepare and approve a committee charter and establish the committee (appoint members) by 1 September 2020.

2. **Reporting to Council**

The Committee must report to Council twice yearly, the report must include the Committee's findings and recommendations.

3. **Membership**

A majority of Committee members must be independent of Council; the Chair must not be a councillor, and members of council staff must not be committee members. Collectively, the Committee must include expertise in financial and risk management and experience in public sector management.

4. **Self-assessment**

The Committee must undertake an annual assessment of its own performance against the charter and report on this to Council.

5. **Workplan**

The Committee must adopt an annual workplan.

For Council to be compliant by 1 September 2020 it will need to:

- prepare and approve a committee charter and make appointments to the Committee (establish the Committee) on or before 1 September 2020.
- specify the functions and responsibilities of the Committee within the committee charter, and must include the following functions (s 54):
  - monitor the compliance of Council policies and procedures with the overarching governance principles and the Act, and any regulations and Ministerial directions
  - monitor Council financial and performance reporting
  - monitor and provide advice on risk management and fraud prevention systems and controls
  - oversee internal and external audit functions.

The new requirements were discussed at the Audit & Risk Advisory Committee on 19 June 2020, with the Committee endorsing the draft Charter for Council adoption. As Council is required to establish the new Committee; it is proposed to reappoint all existing Committee members for the duration of their current term.

**Resolution (CO2020/151)**

That Council:

1. Establish the Audit & Risk Committee.
2. Reappoints the independent members Dr Irene Irvine and Dr Stuart Kells until their expiry of term.
3. Notes that recruitment is underway to appoint a third independent member.
4. Confirms Councillor appointments to the Audit & Risk Committee being Cr Garotti and Cr Melican for the balance of this current Council term.
5. Note the Audit & Risk Advisory Committee's endorsement of the draft Audit & Risk Committee Charter at the Committee's meeting 19 June 2020.
6. Adopt the Audit & Risk Committee Charter.

Moved: Cr Rick Garotti

Seconded: Cr Tom Melican

CARRIED

**7.5 UPDATE OF DELEGATIONS****EXECUTIVE SUMMARY**

The *Local Government Act 2020* (the 2020 Act) is now enacted and will be implemented in four stages. The second stage includes a requirement to delegate Council's powers by 1 September 2020.

There are numerous statutes which confer a responsibility on councils to take action or determine matters, it is not practical for the Council or the Chief Executive Officer alone to exercise the many statutory powers bestowed on Council.

Section 11(1)(b) of the 2020 Act provides for Council to delegate its powers, duties and functions to the Chief Executive Officer (CEO) or a Delegated Committee; and no longer provides for Council to delegate directly to members of Council staff.

On 18 May 2020 Council resolved the Instrument of Delegation to the CEO.

Council subscribes to a delegation package by Maddocks Solicitors. An update is received twice a year and includes advice and changes to legislation.

Maddocks Solicitors have advised that there are a number of certain Acts that do not allow for sub-delegation from the CEO and can only be delegated directly from Council.

There Acts are the:

- Planning & Environment Act 1987
- Residential Tenancies Act 1997
- Food Act 1984
- Environmental Protection Act 1970
- Domestic Animals Act 1994
- Road Management Act 2004

As these Acts specifically require certain powers to be delegated directly from Council it is recommended that the powers continue to be delegated directly from Council by resolution to ensure compliance with said Acts.

The remaining powers that allow for it can be sub-delegated from the CEO as per s11 of the 2020 Act.

A delegation of a council power enables a member of Council staff to act on behalf of Council and allows for the effective day to day functioning of Council. A delegated decision, once made, is for all legal purposes a decision of the Council.

Delegations are reviewed regularly to ensure they remain current. There have been some title changes at Banyule since the most recent Delegations update of May 2019. This requires Council's Instruments of Delegation to be amended to ensure all relevant positions have the appropriate delegation in accordance with the correct title and the latest advice.

The update proposed for adoption by Council makes changes to officer titles in the delegations and removes references to the existing *Local Government Act 1989* which after 1 September will no longer be relevant for the following Acts and associated regulations: Domestic Animals, Environment Protection, Food, Planning, Residential Tenancies and Road Management.

There are no updates to the Chief Executive Officer (CEO) Instrument of Delegation, however, previous advice was that the Instrument of Delegation to the CEO will be re-made whether there are any changes or not.

#### **Resolution (CO2020/152)**

In the exercise of the powers conferred by the legislation referred to in the attached Instruments of Delegation for the Chief Executive Officer and the following Acts and associated regulations: Domestic Animals, Environment Protection, Food, Planning, Residential Tenancies and Road Management, Council resolves that –

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

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

## 7.6 AUDIT & RISK ADVISORY COMMITTEE MINUTES - 19 JUNE 2020

### EXECUTIVE SUMMARY

The Audit & Risk Advisory Committee is an Advisory Committee and its role is determined by the *Local Government Act 1989*. The responsibilities and terms of reference of the Audit & Risk Advisory Committee are defined in the Committee's Charter.

With the introduction of the new *Local Government Act 2020* (Act) new provisions have been legislated for Audit & Risk Committees which take effect on 1 September 2020. These changes include the requirement for a new committee charter, and changes to the membership compilation of these committees. The changes will be reported to Council later in the year.

The Minutes of the meeting of the Audit & Risk Advisory Committee are required to be reported to a Council Meeting.

Consequently, the Minutes of the meeting held on the 19 June 2020 are being circulated for noting by Council, though they are subject to confirmation by the Audit & Risk Advisory Committee at its meeting being held in 7 September 2020.

### Resolution (CO2020/153)

That Council note the Minutes of the Audit & Risk Advisory Committee meeting held on the 19 June 2020.

Moved: Cr Rick Garotti

Seconded: Cr Craig Langdon

CARRIED

## 7.7 APPOINTMENT OF INDEPENDENT CHAIRPERSON OF THE CEO EMPLOYMENT MATTERS ADVISORY COMMITTEE

### EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) sets out a number of provisions relating to the requirement to appoint a Chief Executive Officer (CEO), which includes the requirement for a Council to obtain independent professional advice in relation to the matters dealt within the Chief Executive Officer Employment and Remuneration Policy. This Policy is a new legislated provision and is required to be in place by 1 July 2021.

The Policy, when drafted, will outline:

- the recruitment and appointment process;
- provisions to be included in the contract of employment;
- performance monitoring;
- an annual review; and
- include any other matters prescribed by the regulations.

It is the practice throughout the public and private sector to establish a formal committee for the purposes of undertaking the above requirements related to the employment of a CEO. These committees usually include an independent expert to assist Councillors (or

board members in the case of other public or private sector organisations) to fulfil the role of impartially reviewing the performance and employment of the CEO.

Council has since 24 October 2014, operated a Chief Executive Employment Matters Advisory Committee, with all Councillors appointed as members and which is chaired by an independent expert member. The appointment of the current Independent Chairperson, Ms Lydia Wilson, expires at the end of August 2020.

Consequently, in late May applications were formally invited from qualified persons to fill the position of Independent Chairperson of the CEO Employment Matters Advisory Committee.

Interviews with three shortlisted (3) applicants were recently held for the Chairperson position which included the current incumbent. This report recommends appointing Lydia Wilson as the Independent Chairperson for an initial period of 3 years commencing 1 September 2020, with an option to review annually for a further 2 years.

The Terms of Reference (ToR) for the Committee have also recently been reviewed and updated to reference changes resulting from the introduction of the new *Local Government Act 2020*. The updated ToR also needs to be endorsed by Council.

#### **Resolution (CO2020/154)**

That Council:

1. Approve the appointment and engagement of Ms. Lydia Wilson as the Chairperson of Banyule's CEO Employment Matters Advisory Committee for an initial period of 3 years commencing 1 September 2020, with an option to review annually for a maximum five years.
2. Adopt the attached revised Terms of Reference for the Committee.

Moved: Cr Tom Melican  
Seconded: Cr Rick Garotti

CARRIED

## 7.8 FINANCIAL MANAGEMENT REPORT - PRELIMINARY JUNE 2020 PERFORMANCE

**Kevan Hill spoke on the item via pre-recorded video .**

### EXECUTIVE SUMMARY

The Quarterly Financial Management Report - Preliminary June 2020 Performance is the actual unaudited financial results for June 2020 against the adopted budget 2019/20.

This financial result is preliminary and is subject to change pending finalisation of year-end adjustments including assessment of:

- Accruals and prepayments
- Capital works completion
- Capitalisation of expenditure
- Depreciation and amortisation

The Audited Financial Report for the year ended 30 June 2020 will be presented to Council on 21 September 2020 and will included a note on the performance against budget (income, expenditure and capital works) in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

### Operating Surplus

The Adopted Budget 2019/20 Surplus is **\$5.988m**. The preliminary June 2020 Actual Operating Surplus for the year is **\$9.969m** and compares favourably to budget by **\$3.981m**.

The significant contributions to the favourable variance includes:

- **Income:** \$1.741m favourable to budget. Additional income of \$4.048m is from the Grants income streams including VGC prepayment. This is partially offset by the loss of revenue on Statutory and User Fees and Charges due to the impact from the COVID-19.
- **Expenditure:** \$2.240m favourable to budget mainly derived from a direct reduction in discretionary spending and postponement of projects whilst units assessed the situation and financial impact of the pandemic. Reduced working hours from COVID-19 impacted business areas, vacant positions unable to be filled during the year and reimbursed insurance claims and lower levies have all contributed to the favourable expenditure result.

The 2019/20 underlying operating surplus is \$2.546m and compares favourably to the budgeted underlying operating deficit of \$1.194m. This underlying result is determined after adjusting for non-recurrent capital grants and capital contributions.

### Capital Works Performance:

Capital works expenditure is \$51.822m. This is \$12.523m lower than the adopted budget of \$64.345m. The amount of capital works expenditure to be carried forward to the 2020/21 financial year will be determined once the financial statements have been completed, including all accruals and prepayments.

**Resolution (CO2020/155)**

That Council note:

1. The Financial Management Report – Preliminary Performance for the period 30 June 2020.
2. The preliminary operating surplus of \$9.969m against the adopted budget of \$5.988m for the year ended 30 June 2020.
3. That the preliminary 30 June 2020 Balance Sheet and Cash flow Statement were circulated offline to Councillors upon request.

Moved: Cr Rick Garotti

Seconded: Cr Peter Castaldo

CARRIED

## 7.9 REPORT ON PROPERTY TRANSACTIONS FOR THE 6 MONTHS ENDING 30 JUNE 2020

### EXECUTIVE SUMMARY

At its Ordinary Meeting on 11 July 2016, Council requested six monthly reports identifying all land acquired, disposed, transferred or exchanged by Council.

This report provides an update to the Council and the community where settlement of land and property transactions occurred in the six-month period from 1 January 2020 to 30 June 2020.

During this term one Council property was sold, which resulted from a requested road discontinuance process.

This information is presented to Council in February and August yearly.

**Resolution (CO2020/156)**

That

1. Council notes this report which identifies the land and property acquired, transferred, exchanged or sold by Council in the preceding six months ending on 30 June 2020.

#### **Land and property sold**

| Address   | Zone | Description | Area m <sup>2</sup> | Price Incl. GST |
|---|------|-------------|---------------------|-----------------|
| Part road adjacent to 4/9 Paton Street, Montmorency | NRZ3 | Road        | 112                 | \$42,000        |

2. a further report be presented to Council in February 2021 identifying the land and property acquired, disposed, transferred or exchanged by Council in the preceding six months ending 31 December 2020.

Moved: Cr Tom Melican

Seconded: Cr Mark Di Pasquale

CARRIED

## 7.10 PROPOSED LEASES - PRESCHOOLS

### EXECUTIVE SUMMARY

Council owns and leases the land and improvements at 23 preschools within the municipality. The leases, which did not provide an option for a further term, expired on 30 April 2020. It is now proposed that Council enter into new leases with 22 of the entities, noting that a new entity is presently being negotiated for management of the Fairy Hills Kindergarten service.

Under section 190 of the *Local Government Act* 1989 ('the Act') Council is required to give notice of its intention to lease where the lease is to be for 1 year or more and where the current market rental value of the land is \$50,000 or more a year. The statutory procedures under sections 190 and 223 of the Act by giving notice of Council's intention to enter a lease with the preschools has been completed.

Public notice was given in the Herald Sun newspaper on Saturday 20 June 2020. At the close of the submissions period on 20 July 2020 no submissions had been received.

This report seeks Council's decision on the granting of leases for a term of five (5) years at the commencing rent of \$472.34 per annum plus GST and outgoings for one room preschools and \$680.42 per annum plus GST and outgoings for two room preschools.

### Resolution (CO2020/157)

That:

1. Having complied with sections 190 and 223 of the *Local Government Act* 1989:
  - a. by giving public notice in the "*Herald Sun*" on Saturday 20 June 2020;
  - b. by providing an opportunity to those who have requested to be heard at Council's Ordinary Meeting of 17 August 2020 to be heard at that meeting; and
  - c. by recording that no submissions were received;

Council grants to each of the 22 preschools a lease of the respective Council-owned land and improvements, for a term of five (5) years at the commencing rent of \$472.34 per annum plus GST and outgoings for one room preschools and \$680.42 per annum plus GST and outgoings for two room preschools.

2. Council authorises the Director City Development to execute the Lease deeds on behalf of the Council.
3. Council commence a separate Notice of intention to lease process under sections 190 and 223 of the *Local Government Act* 1989, when a new entity for Fairy Hills Kindergarten is secured.

Moved: Cr Craig Langdon

Seconded: Cr Mark Di Pasquale

CARRIED

**7.11 BELLFIELD PROJECT - EOI EVALUATION FOR DELIVERY OF BELLFIELD COMMUNITY HUB AND COMMUNITY GARDEN**

**Emma Samuel spoke on the item via pre-recorded video.**

**EXECUTIVE SUMMARY**

This report is to inform Council of the outcome of the Expression of Interest (Eoi) for the delivery of Bellfield Community Hub and Community Garden.

Banyule Council is undertaking a redevelopment project to deliver a new Community Hub, relocated Community Garden and an integrated housing redevelopment, which includes both market and social housing. The location encompasses part of the former Banksia La Trobe Secondary College site, the existing Bellfield Community centre and community garden, and other properties fronting Oriel Road. The redevelopment of the site is known as the Bellfield project.

An Eoi was released to market on 30 May 2020 for suitably qualified and capable construction contractors for the delivery of the Bellfield Community Hub and Community Garden. Submissions were received on 24 June 2020 and assessed by the Evaluation Panel against selection criteria agreed prior to the release of the Eoi and as listed in the Eoi documents. A shortlist of respondents has been agreed by the Panel. A probity advisor has had overview of the entire Eoi process and will remain as probity advisor throughout the Request for Tender stage.

This report provides the results of the Eoi phase, including the shortlisted respondents agreed by the Panel (as a confidential appendix), details the next stage of the process to proceed to Tender, and outlines the timelines for the Bellfield Community Hub and Community Garden delivery.

**Resolution (CO2020/158)**

That Council:

1. Supports the progression to Request for Tender for the Bellfield Community Hub and Community Garden by inviting the shortlisted respondents selected by the Evaluation Panel to participate in the Request for Tender process.
2. Notes the timeline to be followed for the selection of the preferred Construction Contractor, with the construction of Bellfield Community Hub and Community Garden to begin in early 2021.

Moved: Cr Craig Langdon  
Seconded: Cr Rick Garotti

CARRIED

## 7.12 BELLFIELD PROJECT: EOI EVALUATION FOR DELIVERY OF MARKET HOUSING (BANKSIA VILLAGE)

### EXECUTIVE SUMMARY

Banyule Council is undertaking a redevelopment project to deliver a new Community Hub, relocated Community Garden and an integrated housing redevelopment, which includes both market and social housing. The location encompasses part of the former Banksia La Trobe Secondary College site, the existing Bellfield Community centre and community garden, and other properties fronting Oriel Road. The redevelopment of the site is known as the Bellfield project.

At the 16 March 2020 Council Meeting it was decided to commence the process for the sale and development of residential land for market housing through an Expression of Interest (Eoi) followed by a Request for proposal (RfP) phase. The sale of the land is contingent on Planning Scheme Amendment C153 which is currently with the Minister for Planning for his consideration and approval.

With the support of a property agent, Colliers International, the Eoi was issued on 4 May 2020 and widely marketed via newspaper, digital and social media. As part of the marketing campaign the market housing site was named 'Banksia Village'.

Submissions were received on 9 June 2020 and assessed by the Evaluation Panel against selection criteria agreed by Council at the meeting on 16 March 2020. A shortlist of respondents has been agreed by the Panel. A probity advisor has had overview of the process and evaluation assessment.

This report provides the results of the Eoi phase, including the shortlisted respondents agreed by the Panel (as a confidential attachment), and details the next stage of the process to select a developer for the land through an RfP process.

The Bellfield project continues to be a high priority for Council. Despite COVID 19, the demand for market housing in optimal locations, such as Bellfield, remains. The building construction industry plays a critical role in economic recovery. A project such as Banksia Village will provide crucial employment to hundreds of people and provide economic stimulus to the local Bellfield/Heidelberg West community.

### **Resolution (CO2020/159)**

That Council:

1. Notes that while Ministerial approval for Planning Scheme Amendment PSA C153 is pending, the process for the sale of the Bellfield land ('Banksia Village') for market housing will continue on the basis that a favourable outcome is anticipated.
2. Notes the outcome of the Expression of Interest (Eoi) process for the sale of the Banksia Village land at Bellfield for residential development as market housing and the shortlist of respondents which have been selected by the Evaluation Panel.
3. Supports the progression of sale of the Banksia Village land to the Request for Proposal (RfP) phase by:
  - a. Offering the land for sale in its entirety to the shortlisted preferred respondents;
  - b. Including a conditional Contract of Sale and a draft Section 173 Agreement, which outlines key deliverables for the development, as part of the RfP documentation;and

- c. Inviting the shortlisted respondents selected by the Evaluation Panel to participate in the RfP process.
4. Notes the timeline to be followed for the selection of the preferred property developer, with the Contract of Sale being awarded at a Council meeting in early 2021.
5. Agrees to the demolition of the building at 98/98A Oriel Road, Bellfield (formerly HiCity) prior to the end of 2020 and ensures that the Bellfield Community Garden is kept informed of commencement and progression of this work. A temporary fence will be erected at the site boundary to the Community Garden for security purposes.

Moved: Cr Craig Langdon

Seconded: Cr Mark Di Pasquale

CARRIED

### **7.13 CONTRACT 1036-2020 – SUPPLY AND DELIVERY OF ONE 6X4 HIGH PRESSURE AND VACUUM DRAIN CLEANING TRUCK**

#### **EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1036-2020 for "Supply and Delivery of One 6x4 High Pressure and Vacuum Drain Cleaning Truck".

Council advertised the tender for Contract No 1036-2020 for "Supply and Delivery of One 6x4 High Pressure and Vacuum Drain Cleaning Truck on 2 May 2020. The tender closed on 27 May 2020 with 6 submissions and 7 separate options being received for consideration.

The Tender Evaluation Panel has recommended awarding the contract to Bell Environmental for the supply and delivery of (1) Isuzu FXY240/350 – Bell Combi 64i - Euro 5, 6x4 High Pressure and Vacuum Drain Cleaning Truck with Cassette Suction Boom for the lump sum price of \$664,000 excluding GST, registration costs, stamp duty and spare parts, all in accordance with the tender and conditions as determined by Council.

#### **Resolution (CO2020/160)**

That:

1. Contract No. '1036-2020' for 'Supply and Delivery of One 6x4 High Pressure and Vacuum Drain Cleaning Truck' be awarded to Bell Environmental for \$664,000 excluding GST, registration costs, stamp duty and spare parts.
2. That the Director of Assets and City Services be authorised to sign the contract and any other associated documents.

Moved: Cr Tom Melican

Seconded: Cr Mark Di Pasquale

CARRIED

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**7.14 CONTRACT NO 1042-2020 FOR "SUPPLY AND DELIVERY OF WELDING AND FABRICATION SERVICES".****EXECUTIVE SUMMARY**

This report is to consider the awarding of Contract No 1042-2020 for "Supply and Delivery of Welding and Fabrication Services".

Council advertised the tender for Contract No 1042-2020 for "Supply and Delivery of Welding and Fabrication Services on 2 May 2020. The tender closed on 27 May 2020 with 4 submissions received for consideration. After a detailed analysis of all submissions, 2 tenderers were shortlisted. The final scoring showing one tenderer as being the most suitable to provide these services to Council.

The Tender Evaluation Panel (TEP) has recommended awarding the contract to the highest scoring and lowest priced tenderer, Simford Welding Services, all in accordance with the tender and conditions as determined by Council.

**Resolution (CO2020/161)**

That:

1. Contract No. 1042-2020 for Supply and Delivery of Welding and Fabrication Services be awarded to Simford Welding Services as per the schedule of rates for an estimated \$588,362 (ex. G.S.T) over a 5-year period.
2. That the Director of Assets and City Services be authorised to sign the contract and any other associated documents.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

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**7.15 EAGLEMONT TENNIS CLUB CAPITAL WORKS PROJECT - REQUEST FOR ADDITIONAL FUNDS****EXECUTIVE SUMMARY**

The Eaglemont Tennis Club capital works project was allocated funding in the 19/20 budget for an amount of \$237,000 (\$127,000 - Council and \$110,000 - Club) for the construction of a timber viewing deck, access ramps and landscaping works.

Initially quotes were sought through Councils panel members where all submissions received were over budget. It was decided to test the market and go to open market to see if costs could be reduced through a more competitive market. Following both a panel and public tender process the budget allocation has a shortfall of \$233,650 to complete the project.

In recognition of this shortfall Eaglemont Tennis club have committed to contribute a further \$80,650. If the project was to be delivered this would require an additional \$153,000 from Council.

It has been identified that there is funding available within Councils Community Facility Access Budget. It is considered this fund could be utilised to provide the additional funds for this project as it falls within the criteria of an initiative that will support better access and inclusion to the community.

**Resolution (CO2020/162)**

That:

1. Council approve an additional project expenditure of \$153,000 to undertake the access, landscaping and amenity works planned for Eaglemont Tennis Club.
2. The funds be allocated from the Community Facility Access Fund in the 2020/2021 financial year.

Moved: Cr Peter Castaldo  
Seconded: Cr Craig Langdon

CARRIED

**7.16 ASSEMBLY OF COUNCILLORS****EXECUTIVE SUMMARY**

Assembly of Councillors were previously required by the Local Government Act 1989, this section has now been repealed.

Council at its meeting on 15 July 2020 resolved to continue to consider reports of Councillor attendance at Briefings and Advisory Committee meetings until such time as the new requirements are provided for in the adoption of the new Governance Rules.

**RECORD OF MEETINGS**

|  |  |                               |
|--|--|-------------------------------|
| 1  | <b>Date of Meeting:</b>  | 20 July 2020 6.30pm           |
|  | <b>Type of Meeting:</b>  | Councillor Briefing – Virtual |
|  | <b>Matters Considered:</b>   |                               |
|  | <ol style="list-style-type: none"> <li>1. Local Government Act 2020</li> <li>2. North East Link Project</li> <li>3. Capital Works &amp; Initiatives Program 2019/2020</li> </ol> |                               |
|  | <b>Councillors Present:</b>  |                               |
|  | Peter Castaldo<br>Alison Champion<br>Mark Di Pasquale<br>Rick Garotti<br>Craig Langdon<br>Tom Melican  |                               |
|  | <b>Staff Present:</b>  |                               |
| Allison Beckwith - <i>Chief Executive Officer</i><br>Kath Brackett – <i>Director Community Programs</i><br>Geoff Glynn – <i>Director Assets &amp; City Services</i><br>Marc Giglio – <i>Director Corporate Services</i><br>Scott Walker – <i>Director City Development</i><br>Gina Burden – <i>Manager Governance &amp; Communication</i><br>Vivien Ferlaino – <i>Governance Coordinator</i><br>Kerry Woods – <i>Executive &amp; Councillors Team Leader</i> |  |                               |
| <b>Others Present:</b>   |  |                               |
| Nil  |  |                               |
| <b>Conflict of Interest:</b>   | Nil  |                               |

|   |                            |  |
|---|----------------------------|--|
| 2   | <b>Date of Meeting:</b>    | 20 July 2020 6.30pm                          |
|   | <b>Type of Meeting:</b>    | Councillor Briefing – Virtual - Confidential |
|   | <b>Matters Considered:</b> |  |
| Confidential Matters considered <ul style="list-style-type: none"> <li>• Contractual matters</li> </ul> |                            |  |

|  |     |
|--|-----|
| <b>Councillors Present:</b><br>Peter Castaldo<br>Alison Champion<br>Mark Di Pasquale<br>Rick Garotti<br>Craig Langdon<br>Tom Melican   |     |
| <b>Staff Present:</b><br>Allison Beckwith - <i>Chief Executive Officer</i><br>Kath Brackett – <i>Director Community Programs</i><br>Geoff Glynn – <i>Director Assets &amp; City Services</i><br>Marc Giglio – <i>Director Corporate Services</i><br>Scott Walker – <i>Director City Development</i><br>Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i> |     |
| <b>Others Present:</b><br>Nil  |     |
| <b>Conflict of Interest:</b>   | Nil |

|   |   |                               |
|---|---|-------------------------------|
| 3   | <b>Date of Meeting:</b>   | 23 July 2020 5.30pm           |
|   | <b>Type of Meeting:</b>   | Submissions Meeting – Virtual |
|   | <b>Matters Considered:</b>  |                               |
|   | <ul style="list-style-type: none"> <li>37-63 Bell Street Ivanhoe – Planning Application P635/2015 pt9</li> </ul>  |                               |
|   | <b>Councillors Present:</b><br>Peter Castaldo<br>Alison Champion<br>Tom Melican<br>Wayne Philips  |                               |
|   | <b>Staff Present:</b><br>Allison Beckwith - <i>Chief Executive Officer</i><br>Marc Giglio – <i>Director Corporate Services</i><br>Scott Walker – <i>Director City Development</i><br>Kerryn Woods – <i>Executive &amp; Councillors Team Leader</i><br>Joel Elbourne – <i>Manager Planning &amp; Building</i><br>Mark Sheehan – <i>Major Developments Planner</i><br>Liz Fleming – <i>Team Leader Development Planning</i> |                               |
| <b>Others Present:</b><br>Community Members:<br>Marnie Sier, Brooke Stewart, Josh Stewart Kellie Jasper Tom Brownlee Martyn Wild, Simon Frisby, Mary Mascara Lea Kivivali, Paul, Lewis Ray Jasper, David Carbotti, Edward Heyworth<br>Tract: Andrew Crack & Jess Noon |   |                               |
| <b>Conflict of Interest:</b>  | Nil   |                               |

|  |   |                     |
|--|---|---------------------|
| <b>4</b>   | <b>Date of Meeting:</b>   | 27 July 2020 5.21pm |
|  | <b>Type of Meeting:</b>   | Councillor Briefing |
|  | <b>Matters Considered:</b>  |                     |
|  | <p>Items on the Council Agenda for the Ordinary Meeting of 27 July 2020 (excluding confidential items) as listed below:</p> <ul style="list-style-type: none"> <li>3.1 Adopting a Diversity Statement for Banyule City Council</li> <li>3.2 Proposed New Lease with The Scouts Association of Australia (Victorian Branch) - Various Sites - Public Submission</li> <li>4.1 Koala Habitat in Banyule - Investigates suitable habitat for Bushfire effected Koala's and other native animals within Banyule</li> <li>5.1 Proposed Declaration of Special Charge - Rosanna Village Shopping Centre Special Charge Scheme</li> <li>5.2 Proposed Declaration of Special Rate: The Bell Street Mall Shopping Centre Special Rate Scheme</li> <li>5.3 Planning Scheme Amendment C159 Adoption - Removal of Parking Overlay from the Greensborough Activity Centre</li> <li>5.4 43 Brown Street &amp; 55-60 Rosanna Road, Heidelberg - Proposed Four Storey Apartments - (P457/2020)</li> <li>5.5 37-63 Bell Street &amp; 45 Linden Avenue IVANHOE - Amendment to Mixed Use Multi Level Development (P635/2015)</li> <li>5.6 3 Waverley Avenue, Ivanhoe - 3 Storey Apartment Building Development (P1246/2018)</li> <li>6.1 Draft Banyule Community Engagement Policy 2020 - For Public Exhibition</li> <li>7.1 Public Participation in Council Meetings - Changed processes during COVID 19 Pandemic</li> <li>7.2 Review of Centralised and Annualised Valuations</li> <li>7.3 Proposed Budget 2020/21 Declarations</li> <li>7.4 Adoption of Banyule City Council's Budget 2020/2021</li> <li>7.5 Adoption of Banyule's Council Plan 2017-2021 (Year 4)</li> <li>7.6 Assembly of Councillors</li> <li>7.7 Contract No 1049-2020 Construction of Darebin Creek Trail Upgrade Stage 1</li> </ul> <p>General Business</p> <ul style="list-style-type: none"> <li>10.1 Vale Larry Stephens</li> </ul> |                     |
| <b>Councillors Present:</b>  |   |                     |
| <p>Peter Castaldo<br/>         Alison Champion<br/>         Mark Di Pasquale <i>arrived at 5.35pm</i><br/>         Rick Garotti <i>arrived at 5.45pm</i><br/>         Craig Langdon<br/>         Tom Melican<br/>         Wayne Philips <i>arrived at 5.35pm</i></p> |   |                     |
| <b>Staff Present:</b>  |   |                     |

|  |   |
|--|---|
| Allison Beckwith - <i>Chief Executive Officer</i><br>Marc Giglio – <i>Director Corporate Services</i><br>Scott Walker – <i>Director City Development</i><br>Gina Burden – <i>Manager Governance &amp; Communication</i><br>Vivien Ferlaino – <i>Governance Coordinator</i><br>Emily Outlaw – <i>Council Business Team Leader</i><br>David Pascolo – <i>IT Technical Analyst</i><br>Duncan Stephen – <i>Jets Sound Engineer / Program Assistant</i><br>Simon Eszky – <i>Youth Services Inclusion Officer</i><br>Neale Lawrence – <i>Youth Outreach &amp; Program Worker</i><br>David Crowe – <i>Jets Intake &amp; Program Support Officer</i> |   |
| <b>Others Present:</b>   |   |
| Nil  |   |
| <b>Conflict of Interest:</b>   | Cr Craig Langdon declared a conflict in item 5.5 and left the room at 6.01pm  |
| <b>Meeting Recessed:</b>   | The meeting recessed at 6.13pm and resumed at 6.47pm.<br>Cr Wayne Phillips was not in attendance and returned at 6.49pm |

**Resolution (CO2020/163)**

That the Record of Councillor meetings report be received.

Moved: Cr Craig Langdon  
Seconded: Cr Tom Melican

CARRIED

**8. SEALING OF DOCUMENTS**

Nil

**9. NOTICES OF MOTION**

Nil

## 10. GENERAL BUSINESS

### 10.1 50 YEARS FOR WARINGAL CONSERVATION SOCIETY

Cr Tom Melican acknowledged the 50th Anniversary of the inaugural meeting of the Warringal Conservation Society (WCS) on August 28th 1970.

Cr Melican noted that the WCS was formed by some very passionate, enthusiastic and knowledgeable residents, who joined together to protect and improve Banyule Flats and the Warringal Parklands. That tradition has continued for 50 years and the group has helped to transform Banyule Flats back towards its original diversity, now an environmental delight in our city.

Cr Melican also commented that the group was the genesis for many of the policies and practices that guide Council's decision-making processes. The Significant Tree Register, the BEAC committee and many of the planning controls that are used today, were all developed by members of the WCS.

Banyule is indeed very fortunate to have the benefits of groups like the WCS within our city.

### 10.2 ONLINE COUNCIL MEETING

Cr Tom Melican acknowledged the Mayor, CEO and staff involved for all the hard work in coordinating and delivering Banyule City Council's first ever completely online Council Meeting.

Cr Melican commented that the meeting had gone extremely well and it had run seamlessly. He noted it was a credit to the organisation that this was able to happen and it demonstrates the hard work & dedication of people within the organisation making sure things run smoothly in Banyule.

Cr Melican thanked everyone involved including the Mayor, CEO, Governance, IT & Jets Teams.

### 10.3 BEIRUT EXPLOSION

Cr Craig Langdon acknowledged that the Beirut explosion which has been recorded as the third largest explosion behind Hiroshima & Nagasaki. Cr Langdon noted it has taken many lives, some of whom had relatives and friends within Australia.

Cr Langdon extended Banyule City Council's condolences to any resident who may have family, friends and associates who were victims of this peacetime explosion.

**Closure of Meeting**

The Meeting was closed at 9.17pm.

DATED: ..... DAY OF ..... 2020

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MAYOR

*The next Ordinary Meeting of Council will be held on Monday, 7 September 2020.*

## PUBLIC QUESTION TIME

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|  | <p><b>Name &amp; Suburb</b></p> <p>Roger Fyfe - Ivanhoe</p>  |
|  | <p><b>Question:</b></p> <p>What community consultation process has been undertaken in 2020, prior to the identification of the one-way section of Waterdale Road Ivanhoe as the preferred location for a pocket park, given the seven possible locations listed in the Banyule Planning Scheme were not ranked and only this one requires closure of a Local Road?</p>   |
|  | <p><b>Response:</b></p> <p><i>Geoff Glynn – Director Assets &amp; City Services</i></p> <p><i>The consultation regarding the seven sites was undertaken as part of the Ivanhoe Structural Plan.</i></p> <p><i>As noted, sites were not ranked in the plan, however, officers did an assessment against the criteria for the grant and this site was considered most favourable as it is: suitable for repurposing, positioned well in terms of public transport, retail precinct, and in an area that is lacking space, access to facilities including public toilets, lighting, water etc, and no impacts on wildlife or existing vegetation.</i></p> |

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|  | <p><b>Name &amp; Suburb</b></p> <p>David Mulholland – Ivanhoe</p>   |
|  | <p><b>Question:</b></p> <p>For Griffin Ward (on the current boundaries), how many planning applications have been referred to VCAT since 2016 and what is the percentage success rate?</p>  |
|  | <p><b>Response:</b></p> <p><i>Scott Walker – Director City Development</i></p> <p><i>Data relating to the outcome of planning permit application reviews at the Victorian Civil and Administrative Tribunal is not compiled for each individual Council Ward.</i></p> <p><i>Information in relation to planning permit application reviews, however, has been reported to Council in the form of 6 monthly activity reports since 13 September 2010. These reports are publicly available on Councils website. The next Planning and Building Activities report is scheduled for the Council Meeting on 7 September 2020.</i></p> |

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|  | <p><b>Name &amp; Suburb</b></p> <p>Emma Samuel – Ivanhoe</p>  |
|  | <p><b>Question:</b></p> <p>Could the Council please advise the total cost per ward, including staff costs, printing and mail cost, of the Councillor ward direct mailout sent to all households two months out from Council elections?</p>  |
|  | <p><b>Response:</b></p> <p><i>Marc Giglio – Director Corporate Services</i></p> <p><i>The cost of ‘News in our neighbourhood’ is reported and published in Council’s Annual report as a cost directly related to Councillors. It is included in the category for ‘Information/communications’ which includes phone and internet charges, the provision of any new IT equipment and the costs associated with the publication and distribution of the ‘News in your neighbourhood’.</i></p> <p><i>There is no prohibition on publishing and distributing Council publications before a Council enters the Election period. The election period commences 22 September until election day being 24 October 2020. The Election Period Policy adopted by Council on the 17 August 2020 provides guidance on publications and decision making for the election period.</i></p> |

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|  | <p><b>Name &amp; Suburb</b></p> <p>Kevin Biaggini - Ivanhoe</p>   |
|  | <p><b>Question:</b></p> <p>Can Council advise if election signage placed on nature strips is legal and what is the fine for doing so?</p>   |
|  | <p><b>Response:</b></p> <p><i>Scott Walker – Director City Development</i></p> <p><i>In accordance with the provisions of the Local Law (Clause 8.3 (c )) a person must not, without a permit hang, place, affix, or erect any advertising sign or advertisement. If a sign is erected without a permit an infringement penalty of \$400 can be applied. Permits for election advertising will only be considered in limited circumstances.</i></p> |

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|  | <p><b>Name &amp; Suburb</b></p> <p>Kevan Hill - Ivanhoe</p>  |
|  | <p><b>Question:</b></p> <p>What is Banyule Council's exposure to being enjoined in a potential damages claim by iCook receivers or related parties, has Banyule Council obtained expert legal advice in relation to any risk exposure and what was that legal advice, what might be the quantum of a potential claim, has Banyule Council provisioned for this potential outcome and how will this provision if required affect Council operating budget 2021FY?</p> |
|  | <p><b>Response:</b></p> <p><i>Kath Brackett – Director Community Programs</i></p> <p><i>Regional Kitchen (trading as Community Chef) is not supplied with any food from iCook. Regional Kitchen and iCook are totally separate entities. There is also no link between Banyule Council and iCook and consequently Banyule Council is not exposed to any risks associated with iCook.</i></p>   |

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|  | <p><b>Name &amp; Suburb</b></p> <p>Nola McDowell – Ivanhoe</p>   |
|  | <p><b>Question:</b></p> <p>Council has recently funded at an average cost of circa \$10,000 delivered per incumbent Councillor a pre-election direct mail ward newsletter openly promoting the self-serving political performance of the incumbent ward Councillors, collectively and individually.</p> <p>Will Council retrospectively provide \$10,000 per capita funding to cover the cost of producing and delivering one unaddressed mail-out to all households in the nine wards for each non-incumbent ward candidate, pending VEC candidate approval, independent of the VEC approved candidate's election success or otherwise?</p> |
|  | <p><b>Response:</b></p> <p><i>Marc Giglio – Director Corporate Services</i></p> <p><i>The 'News in our neighbourhood' forms part of Banyule's established news and communication outlets in addition to 'The Banner' and other digital media channels. It is published 3 times a year (March, July, November) and provides whole of Council and Ward based content keeping residents up to date of Council activities.</i></p> <p><i>The publication is only available to all elected Councillors during their term of office.</i></p>   |

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|  | <p><b>Name &amp; Suburb</b></p> <p>Anonymous</p> <hr/> <p><b>Question:</b></p> <p>In 2019, RMIT Assoc. Professor for Urban Research, Joe Hurley, reported that Banyule had lost canopy tree cover from 2014-2018 - in contrast with council's own commitment to increase tree planting per 2020 vision.</p> <p>While the Council Plan 2017-2021, and Councils Urban Forest Strategy call for more tree planting in our municipality, why is it that Banyule is losing its tree canopy cover and what is Council's baseline for the number of trees needed in Banyule for effective tree canopy that provides effective: cooling, amenity to sustain our neighbourhood and streetscape character, and biodiversity and habitat?</p> <hr/> <p><b>Response:</b></p> <p><i>Geoff Glynn – Director Assets &amp; City Services</i></p> <p><i>Tree canopy coverage as a short-term metric is not a reliable one, this is due to canopy lag i.e. the time it takes for a newly planted tree to grow to maturity. It can often take 20 years plus for a tree to reach it is full canopy maturity, therefore, canopy coverage targets are best viewed as long term targets.</i></p> <p><i>A more reliable metric in the short term is net gain of trees, i.e. number of trees planted vs number removed per year, at a minimum Council works of a 3:1 ratio, three trees planted for every tree removed.</i></p> <p><i>A report to Council on this very topic addressing the complexity of the issue along with a recommended way forward was presented at the 15 June 2020 Council meeting titled "Greening Banyule Update &amp; Tree Canopy Coverage in Banyule". This report can be accessed on the Banyule Council website under Agendas and Minutes.</i></p> |
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