

Minutes of the Ordinary Meeting of Council



Held on the 7 October 2019

**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 Wayne Phillips, Cr Peter Castaldo, Cr Alison Champion, Cr Mark Di Pasquale, Cr Rick Garotti, Cr Craig Langdon, Cr Tom Melican

Apologies

Nil

Leave of Absence

Nil

Confirmation of Minutes

That the following Minutes be confirmed:

Ordinary Meeting of Council held 16 September 2019

Moved: Cr Mark Di Pasquale

Seconded: Cr Craig Langdon

CARRIED

Disclosure of Interests

Nil

Presentation

Nil

1. URGENT BUSINESS

Nil

2. PETITIONS

2.1 PETITION REGARDING BEVERLEY ROAD AND BANYULE ROAD INTERSECTION - TRAFFIC MANAGEMENT

EXECUTIVE SUMMARY

A petition with 10 signatures has been received regarding safety issues on Beverley Road and Banyule Road intersection.

The petition request is as follows:

"We, the undersigned ratepayers and / or residents of Banyule City Council petition or request Council to fix the safety issues on Beverley Road and Banyule Road intersection.

The Banyule community have requested Council provide a solution such as:

A roundabout

Speed humps/speed limiting prior to reaching the intersection

Traffic Lights

Convex mirrors should immediately be installed to allow visibility at this intersection.

We support the advocacy of the Banyule Ratepayers Action Group Inc. to speak on our behalf."

An online petition on the same request was submitted by the head petitioner. The online petition did not meet the criteria set out in Council's Petition Guidelines (ie full addresses not submitted). There are currently 263 signatures to the online petition. This has been distributed to Councillors and forwarded to the Traffic Team for action.

Resolution (CO2019/186)

That

1. Council receives and notes the petition.
2. Council refer the petition to the Traffic and Transport Team for investigation.
3. The outcome of the investigation are to be reported at a future meeting.
4. Council advise the primary petitioner of this resolution.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

3. PEOPLE – COMMUNITY STRENGTHENING AND SUPPORT

3.1 DRAFT PUBLIC ART POLICY 2020-2023

Robyn Roberts spoke on the item.

EXECUTIVE SUMMARY

The development of a new Public Arts Policy is a key action in the *Arts and Culture Strategic Plan 2017-2021*. Council's previous Public Art Strategy expired in 2015.

The *Banyule Public Art Policy 2020-2023* will establish the guiding principles and key focus areas for the organisation to enable good decision making around public art initiatives in Banyule over the next four years.

The Policy has been developed over a nine month period through extensive consultation with the community and key stakeholders.

It is a Council-wide approach that expresses Council's belief in the benefits of art in the public realm and provides guiding principles to support those undertaking to produce, create or stimulate public art in Banyule.

The policy sets out several key focus areas for Council around:

- Advocacy & Engagement
- Council Managed Program

An action plan accompanies the policy that sets out the strategic activities to achieve the aims of the policy. The action plan will be reviewed annually as part of regular business planning, linked to the Arts and Culture Strategic Plan.

The draft Banyule Public Art Policy 2020-2023 is now ready for final public consultation.

Resolution (CO2019/187)

That:

1. Council release the Draft Banyule Public Art Policy 2020-2023 for the purpose of community consultation for a four week period.
2. All relevant network organisations be contacted to invite written submissions via Council's Shaping Banyule website.
3. A further report be submitted to Council following the community consultation period.

Moved: Cr Craig Langdon
Seconded: Cr Peter Castaldo

CARRIED

3.2 BANYULE BUSINESS GRANT ALLOCATIONS

EXECUTIVE SUMMARY

The Banyule Business Grants Pilot Program was established to provide financial assistance to help businesses lead innovation, invest in the community and the environment, promote themselves to the market and build a vibrant community. It encouraged applicants who have a sound business idea and who can demonstrate the capability to implement their vision.

An advertising campaign to promote the two grant streams attracted a total of 20 Small Business Grant applications and a further five Business Energy Audit Grant applications. An Advisory Panel was established with representatives from industry along with senior council staff to review all eligible grant applications. The Panel has determined that 12 of the 22 applications received are awarded grant funding.

The allocated 2019 business grant pool amounts are:

- \$30,000 with a maximum of \$5,000 for each Small Business Grant
- Business Energy Audit Grants valued at \$1,000 to encourage positive sustainable change

This report outlines the assessment of the grants and that all applicants will be advised of the outcome of their funding application with details of the successful recipients to be released to the public.

Resolution (CO2019/188)

That Council endorses:

1. The established advisory committee to apportion the pilot grant funds in accordance with the approved funding criteria; and
2. That all applicants are advised of the outcome of their funding application and the details of the successful recipients are released to the public at the networking event proposed for 20 November 2019.

Moved: Cr Mark Di Pasquale
Seconded: Cr Alison Champion

CARRIED

4. PLANET – ENVIRONMENTAL SUSTAINABILITY

4.1 ROSEMAR CIRCUIT, VIEWBANK - TREE PETITION RESPONSE

Simon Hardy, Helen Saripanidis, Anthony Hocking and Michelle Giovas spoke on the item.

EXECUTIVE SUMMARY

This report is in response to a petition tabled at the Ordinary Meeting of Council 15 July 2019 requesting the removal of seven *Eucalyptus sideroxylon* (Ironbark) street trees fronting 28, 43, 45, 51 Rosemar Circuit, 1 & 55 Crawley Court and 5 Danson Street, Viewbank. Reasons cited for removal included: tree related damage to private and public infrastructure, public safety concerns regarding falling tree limbs and tree debris.

It is noted 55 Crawley Court is not a valid street address, however, 55 Rosemar Circuit is and the street tree in front of this property is an Ironbark, this street tree has been included in the assessment.

Council takes a risk based approach to tree management, and considers both risks to infrastructure and public safety. An assessment of these trees found that the trees and associated tree debris pose a low risk to public safety. However, it is recommended that one tree (45 Rosemar Circuit) be removed as it is on a lean that impedes traffic flow.

At the time of inspection, damage to private infrastructure was not observed, however, damage to Council infrastructure (footpath bay) was, and it is recommended that a footpath bay be repaired.

Street trees have a key role in maintaining and enhancing Banyule's green character, in addition to providing important social, environmental, and economic benefits. The benefits of a tree dominated streetscape are important to both Council and residents.

In consideration of the above, it is recommended that six of the seven trees in question are retained.

Resolution (CO2019/189)

That Council:

1. Retain five of the seven *Eucalyptus sideroxylon* (Ironbark) street trees associated with 28, 43, 51, 55 Rosemar Circuit and 5 Danson Street, Viewbank, and continue to monitor the trees as part of Council's two-yearly proactive inspection program;
2. Remove the trees located outside 45 Rosemar Circuit and 1 Crawley Court and replace with a native species;
3. Deadwood the tree outside 51 Rosemar Circuit, as a precaution and treat the tree outside 28 Rosemar Circuit for termites;
4. Repair a footpath bay at 1 Crawley Court and any other Council infrastructure as required;
5. Respond to the lead petitioner in regard to Council's decision.

Moved: Cr Alison Champion
Seconded: Cr Mark Di Pasquale

CARRIED

4.2 DRAFT CORPORATE EMISSIONS REDUCTION PLAN - FOR PUBLIC CONSULTATION

EXECUTIVE SUMMARY

Following Banyule City Council's climate action resolution on 10 December 2018, a significant target of carbon neutrality by 2028 (without the purchase of offsets) was established.

In response, investigation and analysis has been undertaken to identify priority actions that will ensure Council meets its target in nine years.

This has included:

1. **Long term analysis:** assessment of opportunities available to Council to reduce carbon emissions across its operations;
2. **Carbon inventory review:** an independent review of the Council's 2017/18 baseline to ensure alignment with the National Carbon Offset Standard (NCOS);
3. **Engagement with Councillors and staff:** to ensure internal buy in and support of cross departmental actions.

Together, this work has informed the development of a draft Corporate Emissions Reduction Plan, which will set the strategic direction for Council's climate action work over the next four years (2020 – 2023).

The draft Plan will replace the substantive Energy Savings Plan. The draft is presented in this report for Council endorsement to commence public consultation.

Resolution (CO2019/190)

That Council;

1. Declare that we are in a climate emergency that requires urgent action by all levels of government, including local councils.
2. Is proud to join with the Climate Emergency movement and will continue to act to ensure a safe and sustainable world now, and in the future.
3. Endorse the draft Corporate Emissions Reduction Plan with inclusion of recognition of a climate emergency for a four week public consultation period through Shaping Banyule.
4. Consider any future budget implications when receiving the final Corporate Emission Reduction Plan for endorsement.

Moved: Cr Tom Melican
Seconded: Cr Peter Castaldo

CARRIED

5. PLACE – SUSTAINABLE AMENITY AND BUILT ENVIRONMENT**5.1 SHARPES ROAD, WATSONIA NORTH - EXTENSION OF PARKING RESTRICTIONS****EXECUTIVE SUMMARY**

Council at its meeting on 21 May 2018, requested an investigation into whether the parking restrictions, that apply during school times, in Sharpes Road, Watsonia North, between Grimshaw Street and Cameron Parade should be extended to the section of Sharpes Road between Cameron Parade and Binnak Park.

A full investigation has now taken place and it has been established that high parking occupancy occurs in the afternoon on school days. As such, the installation of 'No Stopping, 3pm-4pm, School Days' parking restrictions, on the west side of Sharpes Road, is considered appropriate.

Residents in Sharpes Road, north of Cameron Parade will be consulted, in accordance with the Banyule On-Street Parking Management Framework.

Council's Parking Enforcement team have been notified of the illegal parking and will include this location as part of a regular enforcement program.

Resolution (CO2019/191)

That Council:

1. Consult with residents of Sharpes Road, Watsonia North, between Cameron Parade and Binnak Park, in accordance with the Banyule On-Street Parking Management Framework, regarding the installation of 'No Stopping, 3pm-4pm, School Days' parking restrictions, on the west side of the street.
2. Install the proposed 'No Stopping, 3pm-4pm, School Days' parking restrictions on the west side of Sharpes Road, Watsonia North, between Cameron Parade and Binnak Park, subject to majority support following the consultation.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

5.2 FEASIBILITY STUDY FOR MULTI-USE TRAIL LOWER PLENTY TO VIEWBANK EXECUTIVE SUMMARY

A recommendation of the Banyule *Public Open Space Plan* (2016-2031) is to investigate the potential of providing a horse riding trail in Lower Plenty, to connect rural areas to horse riding activities in Viewbank and other connections such as to Lower Eltham Park. In light of this recommendation, a feasibility study has been completed to assess the viability of the trail.

The study found that it is feasible to construct a 3 metre wide 1.1 kilometre granitic sand trail (including a river crossing) in the desired location. However, the study also noted accessibility challenges for equestrian users as the majority of the roadside verges were found to be unsafe for equestrian users. Based on these accessibility challenges, it was determined that pedestrians and to a cyclists would likely constitute the majority of users, rather than equestrian users.

Given that the study found that the main users of the trail would be pedestrian and cyclists, the priority to construct this trail is now considered against other recreational shared trails rather than horse riding trails. In terms of Council's priority for the construction of new shared trails, this trail is not considered high priority as it is not of regional importance, and access to the proposed trail is limited.

Resolution (CO2019/192)

That:

1. Council note the feasibility report for this project; and
2. The project be added to Council's Shared Trail program, noting that the trail is low priority; and be referred for future funding consideration in the context of the other trails in this program

Moved: Cr Alison Champion
Seconded: Cr Craig Langdon

CARRIED

5.3 GREENSBOROUGH PARKING PLAN - ADOPTION

Brian Grace spoke on the item.

EXECUTIVE SUMMARY

The Greensborough Parking Plan considers parking trends and growth projections in the Greensborough Activity Centre and surrounds and provides strategies to manage parking in the immediate and long term (20 years).

Community and stakeholder consultation was undertaken over 6 weeks from 29 April to 8 June 2019. Feedback was sought via a letter to 200 traders and 1500 surrounding residents, through Shaping Banyule, and via two community consultation sessions.

The community response obtained was minimal which possibly suggests that parking in Greensborough Activity Centre is not generally perceived as a matter of concern. Of the 20 attendees at the consultation sessions and seven submitters to Shaping Banyule there was general support for the draft Plan's recommendations.

There was some uncertainty expressed regarding increases in parking enforcement but also acknowledgement that it is important to ensure people are parking as intended to allow access to others. There was also uncertainty expressed over the need to reduce car parking rates for new developments.

The background study undertaken in the development of the Greensborough Parking Plan found that the parking overlays current minimum car parking requirements over cater to the parking needs of the area and are excessive in comparison to similar metropolitan activity centres and may be a hindrance to future development opportunities.

Other areas of concern as raised by the Greensborough Chamber of Commerce along with traders and some residents was that; provision of new car parks is an immediate need, future development construction and long term impacts are underestimated, and that commuter parking issues are inadequately addressed.

The background study, that was conducted in September 2017 after there was full occupancy of the One Flintoff building, found that there is currently insufficient parking demand to justify the provision of new car parks.

A moderate increased need for car parking into the future is forecast. It is considered that this need can be comfortably met by the use of underutilised car parking along with an increase in the use of public and active transport modes.

The use of parking will continue to be monitored to ensure that the actual parking demand is in line with the forecast. The provision of new car parks will be given consideration if the demand does become excessive.

In regard to commuter parking, the State Government has made a commitment to increase the number of commuter parking spaces at Greensborough Station. Council manages parking restrictions in the vicinity of Stations to protect local trading and residents.

Resolution (CO2019/193)

That Council:

1. Adopt the Greensborough Parking Plan to guide the current and future management of car parking in and around the Greensborough Activity Centre.
2. Continue to manage and adjust parking restrictions to ensure that they meet the needs of the users of the area.
3. Advocate for the committed additional commuter parking to be provided at Watsonia, if it is unable to be accommodated as part of the new Greensborough Transport Interchange project.
4. Review the car parking requirements within the Banyule Planning Scheme for the Greensborough Activity Centre to bring the parking rates in line with the state requirements and other major activity centres.
5. Confirms its intention to consider a future development and public realm upgrade adjacent to Greensborough Walk by utilising level 5 of the multi-deck carpark and an additional multi-deck carpark to the south east of the existing structure to offset car parking, improve access and provide additional disability parking within Greensborough.

Moved: Cr Mark Di Pasquale

Seconded: Cr Alison Champion

CARRIED

Councillor Garotti left the Chamber at 8.30 pm.

5.4 340-680 THE BOULEVARD, IVANHOE EAST - AMENDMENT C107 COMBINED S96A AMENDMENT AND PLANNING PERMIT - OUTDOOR RECREATION FACILITY

Daphne Hards spoke on the item.

Councillor Champion left the Chamber at 8.33 pm.

Councillor Garotti returned to the Chamber at 8.34 pm.

EXECUTIVE SUMMARY

The purpose of Amendment C107 is to allow for a combined Planning Scheme amendment and Planning Permit for the use and development of land at 340-680 The Boulevard, Ivanhoe East as outdoor recreation facility, pursuant to S96A of the *Planning and Environment Act 1987* by:

1. Amending the Schedule to Clause 36.03 'Public Conservation and Resource Zone' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';
2. Amending the Schedule to Clause 51.01 'Specific Sites and Exclusions' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';

3. Amending the Schedule to Clause 72.04 'Documents Incorporated in this Planning Scheme' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';

The proposal will be considered under Section 96A of the *Planning and Environment Act 1987* (the Act) and the purpose of this report is for Council approval to seek authorisation from the Minister for Planning to prepare and exhibit the amendment.

A draft planning permit has also been prepared as required for public exhibition. The draft permit considers implications for vegetation protection and removal, habitat implications, construction details, landscaping, paths, heritage, building envelopes and signage. A full set of proposed conditions are attached to this report and have been produced by Council's Development Planning Team.

Following public exhibition of the proposed rezoning and draft planning permit, future consideration of submissions will inform a further report to Council.

Councillor Champion returned to the Chamber at 8.39 pm.

Resolution (CO2019/194)

That Council:

1. Supports the preparation and exhibition of Amendment C107 to the Banyule Planning Scheme to insert an Incorporated Plan into the Schedules at Clauses 36.03, 51.01 and 72.04 of the Banyule Planning Scheme to allow the 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018' as a site specific exemption for the use and development of the land as an outdoor recreation facility.
2. Supports the Draft Planning Permit to allow the use and development of the land for an outdoor recreation facility, display of advertising signage, removal of native vegetation and heritage considerations in accordance with the Incorporated Document.
3. Requests the Minister for Planning to authorize the preparation and exhibition of Amendment C107 to the Banyule Planning Scheme to allow for a combined Planning Scheme amendment and Planning Permit for the use and development of land at 340-680 The Boulevard, Ivanhoe East as outdoor recreation facility, pursuant to S96A of the *Planning and Environment Act 1987* by:
 - a) Amending the Schedule to Clause 36.03 'Public Conservation and Resource Zone' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';
 - b) Amending the Schedule to Clause 51.01 'Specific Sites and Exclusions' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';
 - c) Amending the Schedule to Clause 72.04 'Documents Incorporated in this Planning Scheme' to refer to the Incorporated Document – 'Tree Top Adventure Facility, 340-680 The Boulevard, Ivanhoe East, May 2018';

Moved: Cr Peter Castaldo
Seconded: Cr Craig Langdon

CARRIED

5.5 MALTRAVERS ROAD, IVANHOE EAST - SPEED REDUCTION PROPOSAL FOR CAPITAL WORKS

Hilary Brear, Ted Smart and Sev Besimi spoke on the item.

EXECUTIVE SUMMARY

Council received a petition with 149 signatures requesting the installation of speed reduction measures on Maltravers Road, Ivanhoe East. Investigations revealed that the installation of speed reduction measures along Maltravers Road is warranted due to the speed of vehicles.

Council resolved at its meeting on 17 September 2018, to consider the allocation of funding for the design and construction of six raised pavements along Maltravers Road, a threshold treatment at the intersection with Carmichael Street, and modifications to the intersection with Rotherwood Road.

Subsequently, Council allocated \$240,000 to deliver part of this project in the Capital Works and Initiatives program for the 2019/20 financial year.

In June 2019, additional consultation with directly affected residents was undertaken for the project. As a result, a petition was received in opposition to the proposal which mainly questioned the justification of the project, noise and property value concerns.

When summarising the petitions for and against, the majority of directly affected residents support the proposal. Given the safety concerns identified, it is considered appropriate that Council proceed with the project.

Resolution (CO2019/195)

That Council:

1. Note that speed of vehicles on Maltravers Road, Ivanhoe East is higher than desired and the installation of speed reduction measures is necessary.
2. Proceed with the design and installation of six raised pavements along Maltravers Road, Ivanhoe East, this financial year, as majority of feedback received from directly affected residents is supportive of speed reduction measures proposed.
3. Proceed with the design and installation of threshold treatment at the intersection of Carmichael Street and Maltravers Road, Ivanhoe East, when funding is allocated through a future Capital Works Program.
4. Proceed with the design and installation of refuge island and kerb modifications at the intersection of Maltravers Road and Rotherwood Road, Ivanhoe East when funding is allocated through a future Capital Works Program.
5. Advise residents and the primary petitioners of this resolution.

Moved: Cr Peter Castaldo
Seconded: Cr Craig Langdon

CARRIED

5.6 MAJOR TRANSPORT PROJECTS AND NORTH EAST LINK UPDATE

Michelle Giovas, Katie George, Hesham Mobarek, Daphne Hards and Jeremy Richards spoke on the item.

EXECUTIVE SUMMARY

The North East Link Environmental Effects Statement (NEL EES) process has progressed with the Inquiry and Advisory Committee (IAC) concluding its public hearing on 16 September 2019. The hearing received over 800 submissions, ran for eight weeks, and more than 440 documents were tabled.

Council along with the Cities of Boroondara and Whitehorse engaged senior legal counsel, technical consultants and expert witnesses to prepare and present a joint submission to the hearing. The legal counsel presented evidence over 12 sitting days. A 206 page closing submission was prepared by the joint Councils in conjunction with the City of Manningham.

Many Banyule community groups and residents independently submitted and presented to the hearing to express their concern with various different aspects of the project.

The IAC is required to present its report to the Minister for Planning within 30 business days of the hearing close. The ministerial decision is expected by the end of 2019.

A number of items from previous Council resolutions have been progressed, including:

- The closing submission included Council's position regarding the NEL advocacy project list and the sporting club relocations.
- Arrangements for the relocation of sporting clubs affected by NEL project are progressing under a signed MoU with NELP. The development of detailed designs will commence shortly.
- A summary of the work Council jointly undertook with NELP on a future vision and opportunities at Watsonia relating to the NEL is available on request.
- The development of a communications plan to inform the community on Council's advocacy efforts and next steps in the NEL project is progressing and will be the subject of a further report to Council.

In relation to the NEL project the Victorian Government has announced:

- The appointment of an 'Early Works' contractor to carry out a range of preparatory works including relocation of power, water and other services.
- A shortlist of three consortiums to bid for the \$7- 9 billion major works contract to build the NEL tunnels.

Other State Government transport projects that will impact Banyule are also in development. Tenders for the next stage of the M80 upgrade between Plenty Road and Greensborough Highway are being evaluated. Construction is due to commence in late 2020.

Design options are being considered for the Hurstbridge Line Duplication project between Greensborough and Eltham. Planning includes duplication of sections of track, a new Greensborough Station and a significant upgrade to Montmorency Station. Council continues to advocate for inclusion of a new Greensborough bus interchange. Construction is due to commence in 2021.

The Fitzsimons Lane Upgrade includes replacing the roundabout at Main Road with a signalised intersection. Construction is planned between 2020 and 2025 as part of a larger northern roads upgrade package. In accordance with another Council resolution, Major

Road Projects Victoria have committed to briefing Council on the detailed reference design, traffic modelling and proposed Planning Scheme amendment.

Resolution (CO2019/196)

That Council

1. Notes the contribution of the Banyule community to the North East Link Environmental Effects Statement public hearing.
2. Continues to work on behalf of its community to advocate for changes to the North East Link project that protect our natural environment, preserve our local neighbourhoods, avoid dividing our 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. Also improved local outcomes for all other State Government transport projects that impact Banyule.
3. Publish the Ethos Urban report on design options for Watsonia that was tabled at the EES on the Shaping Banyule website and explicitly disclose on the Council website and in the published report itself that the Ethos Urban report is not a Council document and has not been endorsed by Council.
4. Proactively advocates for positive design ideas in the Ethos Urban report, namely: (i) Monopoles to replace the current electricity pylons; (ii) the green bridge connection over the North East link; and (iii) a town square for Watsonia.

Moved: Cr Tom Melican

Seconded: Cr Rick Garotti

CARRIED

The Mayor called a short 5 minute recess at 9.47 pm.

The meeting resumed at 9.56 pm.

6. PARTICIPATION – COMMUNITY INVOLVEMENT IN COMMUNITY LIFE**6.1 ADVISORY COMMITTEES' REPORTS****EXECUTIVE SUMMARY**

Advisory Committees are made up of Councillors and community members. They have terms of references and meet to discuss issues, advise Council, and oversee the implementation of Council's strategic plan for their respective issue.

Advisory Committees provide important linkages between Council, Community and State agencies and interest groups. Following an Advisory Committee meeting, a report will be submitted to Council to note the minutes.

Recommendations to Council from Advisory Committees will generally be made to the next Council meeting.

The following Minutes are presented for noting:

1. Banyule Disability and Inclusion Advisory Committee
2. Age Friendly City Advisory Committee
3. Banyule Arts and Culture Advisory Committee
4. Lesbian Gay Bisexual Transgender Intersex Queer Plus (LGBTIQ+) Advisory Committee
5. Multicultural Advisory Committee
6. Banyule Environment Advisory Committee

Resolution (CO2019/197)

That Council notes the following minutes/reports:

- 1) Banyule Disability and Inclusion Advisory Committee meeting on 21 August 2019.
- 2) Age Friendly City Advisory Committee meeting on 26 August 2019
- 3) Banyule Arts and Culture Advisory Committee on 6 August 2019
- 4) Lesbian Gay Bisexual Transgender Intersex Queer Plus (LGBTIQ+) Advisory Committee meeting on 8 August 2019.
- 5) Multicultural Advisory Committee meeting on 20 August 2019.
- 6) Banyule Environment Advisory Committee meeting on 11 September 2019.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

7. PERFORMANCE - USE OUR RESOURCES WISELY**7.1 ANNUAL BUDGET 2020/21 AND COUNCIL PLAN 2017-2021 YEAR 4
TIMETABLE**

Brian Grace spoke on the item.

EXECUTIVE SUMMARY

The detailed process of preparing the Annual Budget for 2020/21, and undertaking the review of Year 4 priorities for the Council Plan 2017-2021, commences shortly.

To enable the community to be aware of Council's process and timelines, including key consultation periods and statutory deadlines, the proposed timetable for the next Budget and Council Plan review are detailed in this report.

Resolution (CO2019/198)

That Council note the proposed timetable for the Annual Budget 2020/21 and Council Plan 2017-2021 (Year 4).

Moved: Cr Rick Garotti

Seconded: Cr Alison Champion

CARRIED

7.2 ELECTION PERIOD POLICY

EXECUTIVE SUMMARY

All levels of Government in Australia accept that during the period leading up to an election that the Government assumes a 'caretaker role'.

During the caretaker period, the business of government continues and ordinary matters of administration still need to be addressed. However, successive governments have followed a series of practices, known as the 'caretaker conventions', which aim to ensure that their actions do not bind an incoming government and limit its freedom of action.

Changes were made to the *Local Government Act 1989* (Act) in 2015 that required councils to adopt and maintain an 'Election Period' Policy by 31 March 2016 and subsequently within 12 months of every general election.

The Election Period Policy requires that councils publicly explain to their communities how they will conduct their business immediately prior to an election. This is to ensure council elections are not compromised by inappropriate electioneering and to safeguard the authority of the incoming council.

The Policy must cover the three matters outlined below:

1. Preventing inappropriate decisions and misuse of resources
2. Limiting public consultation and council events
3. Equitable access to council information

Earlier this year the Local Government Inspectorate (Inspectorate) conducted a review of each council's policy. The Inspectorate's findings and recommendations highlighted the issues of 'misuse of resources' and 'equitable access to information'.

Banyule's Election Period Policy was adopted on 7 March 2016 and has been reviewed and updated since the 2016 election. The proposed changes to the Policy are in addition to the current requirements that prohibit councils from making 'major policy decisions' during the election period and take into consideration the recommendations from the Inspectorate.

The next general election will be held on 24 October 2020, therefore the Policy is required to be adopted in October 2019. The Policy must be published on the Council's website.

Resolution (CO2019/199)

That Council adopt the revised Banyule Election Period Policy.

Moved: Cr Craig Langdon

Seconded: Cr Mark Di Pasquale

CARRIED

7.3 14 IVANHOE PARADE, IVANHOE - DECISION FOLLOWING NOTICE OF INTENTION TO SELL

Robyn Roberts spoke on the item.

EXECUTIVE SUMMARY

Council owns the land and improvements known as 14 Ivanhoe Parade, Ivanhoe (subject land), which houses the Hatch Contemporary Arts Space known as "The Hatch". It is also currently used by private and community organisations, including U3A and Heidelberg Greek Senior Citizens, for a range of activities including community hall and office space hire.

Public Notice of Council's intention to sell the subject land was given in the "*Heidelberg Leader*" on 30 July 2019, with written submissions on the proposal invited in accordance with section 223 of the Act. The statutory submission period of 28 days closed on 28 August 2019.

Having considered the six written submissions received, including one petition and heard from four submitters, including the primary petitioner at a meeting of Council held on 16 September 2019, Council must now determine whether or not to proceed with the proposed sale of the subject land.

Resolution (CO2019/200)

That Council:

1. Having complied with Sections 189 and 223 of the Local Government Act 1989 by;
 - a) giving public notice in the Heidelberg Leader on 30 July 2019; and
 - b) recording that six submissions including one late submission were received; and
 - c) by providing an opportunity to those who requested to be heard at Council's Ordinary Meeting of 16 September 2019, be heard at that meeting; and
 - d) by noting the submitters' concerns.
2. Agrees to sell the Council-owned land and improvements known as 14 Ivanhoe Parade, Ivanhoe on the basis that following the completion of the Ivanhoe Library and Cultural Hub and the relocation of tenants, the subject land and building is no longer required for Council purposes.
3. Advise the submitters of Council's decision and the reason for that decision.
4. Conducts the sale through a public process, carried out in the best interest of community and providing the best result, both financial and non-financial for the Council and the community.
5. Ensures the contract of sale includes a provision that the land will not be transferred to the purchaser and no tenant is to be moved out from *The Hatch* building until the Ivanhoe Library and Cultural Hub is complete.

Moved: Cr Rick Garotti

Seconded: Cr Mark Di Pasquale

CARRIED

7.4 MOUNT IDA AVENUE, ROSANNA (ROAD RESERVE ADJACENT TO 41 LOWER PLENTY ROAD) - PROPOSED PART ROAD DISCONTINUANCE**EXECUTIVE SUMMARY**

A section of road reserve in Mount Ida Avenue, Rosanna is occupied by 41 Lower Plenty Road, Rosanna. Council investigations revealed that the section of road reserve was not reasonably required for public use and therefore, can be formally discontinued and offered for sale by private treaty.

Council has undertaken statutory procedures pursuant to sections 206 and 223 of the *Local Government Act 1989* ('the Act') giving notice of the road discontinuance and sale of land proposal.

Public notice was given in the *Heidelberg Leader* on 13 August 2019 advising of the proposal. Public submissions were invited in accordance with section 223 of the Act and at the close of the submission period, no submissions were received.

This report seeks Council approval to discontinue the section of road reserve and sell the resultant land to the owners of 41 Lower Plenty Road, Rosanna.

Resolution (CO2019/201)

That Council:

1. Having complied with sections 206 and 223 of the *Local Government Act 1989* and having not received any submissions to the proposed discontinuance of a 67m² section of road reserve on the south west side of Mount Ida Avenue, Rosanna, is of the opinion that the subject road reserve adjacent to the north east title boundary of 41 Lower Plenty Road, Rosanna is no longer reasonably required for public use and resolves to discontinue the section of road reserve and sell the land by private treaty.
2. Publish notice of its resolution in the Victorian Government Gazette.

Moved: Cr Tom Melican

Seconded: Cr Alison Champion

CARRIED

7.5 REAR 4/9 PATON STREET, MONTMORENCY - PROPOSED DISCONTINUANCE AND SALE

EXECUTIVE SUMMARY

The owners of 4/9 Paton Street, Montmorency (the Applicant) approached Council to purchase part of the right of way/'road' adjacent to the rear of their property.

Statutory procedures were undertaken in July 2019. In response to the public notice given of Council's intention to discontinue and sell, Council considered one submission pursuant to sections 207A(a) and 223 of the Local Government Act at its meeting of 16 September 2019.

The purpose of this report is for Council to consider whether or not to proceed with the discontinuance and sale of part of the 'road' or to retain for municipal purposes.

Resolution (CO2019/202)

That Council:

1. In accordance with sections 207A(a) and 223 of the Local Government Act 1989:
 - a. by giving public notice in the "*Diamond Valley Leader*" on 31 July 2019;
 - b. having received and considered one submission in response to the public notice at its Ordinary Meeting of 16 September 2019;
 - c. by recording that no submitter requested to be heard;
2. Forms the view that the section of 'road' located at the rear of 4/9 Paton Street, Montmorency (the Land) is no longer reasonably required for general public use for the following reasons:
 - the proposal will not impact on the movement of pedestrians or vehicles within the vicinity of the 'road';
 - there are no impacts on service authority or Council assets;
 - the discontinuance of the section of 'road' will not affect neighbouring properties as it is not currently used by neighbouring properties.
3. Authorises the publication of its resolution in the Victoria Government Gazette.
4. Acknowledges that upon publication of the resolution in the Victoria Government Gazette the section of 'road' is discontinued and the land will be sold to the owner of 4/9 Paton Street, Montmorency.
5. Authorises the amendment of Council's Road Register to reflect the discontinuation of the section of 'road', following publication of the resolution in the Victoria Government Gazette.
6. Notifies the submitter of the decision and reason for the decision.
7. Writes to the owner of 4/9 Paton Street, Montmorency, advising them of the decision and the reason for that decision.

Moved: Cr Alison Champion

Seconded: Cr Mark Di Pasquale

CARRIED

7.6 ASSEMBLY OF COUNCILLORS

EXECUTIVE SUMMARY

Under the Local Government Act 1989 an Assembly of Councillors is defined as:

*A meeting of an advisory committee of the Council, if at least one Councillor is present or;
A planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:*

- a) *the subject of a decision of the Council or;*
- b) *subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.*

In accordance with Section 80A of the Local Government Act 1989 Council is required to report as soon as possible to an Ordinary Meeting of Council a record of any assemblies of Councillors held. Below is the latest listing of notified assemblies of Councillors held at Banyule City Council.

RECORD OF ASSEMBLIES

1	Date of Assembly: Type of Meeting: Matters Considered: Councillors Present: Staff Present: Others Present: Conflict of Interest:	9 September 2019 Councillor Briefing Arts Policy Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Geoff Glynn – Acting Chief Executive Officer Allison Beckwith – Director Community Programs Marc Giglio – Director Corporate Services Vivien Ferlaino – Governance Coordinator Kerryn Woods - Executive Assistant CEO & Councillors Hannes Berger – Arts & Culture Team Leader Nil Nil
2	Date of Assembly: Type of Meeting: Matters Considered: Councillors Present: Staff Present: Others Present: Conflict of Interest:	9 September 2019 Confidential Briefing Contractual Matters Peter Castaldo Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Vivien Ferlaino – Governance Coordinator Lydia Wilson – Independent Chairperson CEO Employment Matters Committee David Baber – Fisher Leadership Michele Loader – Fisher Leadership Anj Popat – Fisher Leadership Nil
3	Date of Assembly:	6 August 2019

	<p>Type of Meeting:</p> <p>Matters Considered:</p> <p>Councillors Present:</p> <p>Staff Present:</p> <p>Others Present:</p> <p>Conflict of Interest:</p>	<p>Arts & Culture Advisory Committee Meeting</p> <ol style="list-style-type: none"> 1. Celebrations 2. Arts & Culture Program 2020/21 – EOI process 3. Hatch – Intention to Sell 4. Ivanhoe Library & Cultural Hub 5. Festivals Working Group Update 6. Public Art Policy – Working Group update 7. Napier Waller House opportunities 8. Community Grants <p>Craig Langdon</p> <p>Hannes Berger – Arts & Culture Team Leader Nicole Maslin – Coordinator Leisure & Culture Steph Neoh – Art Curator</p> <p>Anne Bennett Craig Eloranta Sandra Diaz Joanne O'Hara Irianna Kannellopoulou Rosemary Crosthwaite June Gassin</p> <p>Nil</p>
4	<p>Date of Assembly:</p> <p>Type of Meeting:</p> <p>Matters Considered:</p>	<p>16 September 2019</p> <p>Councillor Briefing</p> <p>Items on the Council Agenda for the Ordinary Meeting of 26 August 2019 as listed below:</p> <ol style="list-style-type: none"> 3.1 The Draft Banyule Graffiti Strategy 2020-2024 4.1 Banyule City Council Water Strategic Plan 2019 - 2023 4.2 Banyule Environment Advisory Committee - Realignment 4.3 Victorian Auditor General's Report: Recovering and Reprocessing Resources from Waste 5.1 Amendment C120 - Postcode 3081 - Panel Report 5.2 Proposed Changes to Better Apartment Design Standards 5.3 87-131 Bell Street - Ivanhoe - Multi Storey Mixed Use Development (P363/2019) 6.1 Motions for Municipal Association Victoria (MAV) State Council Meeting 7.1 Rear 4/9 Paton Street, Montmorency - Proposed discontinuance and sale - Hearing of Submissions 7.2 14 Ivanhoe Parade, Ivanhoe - Proposed Sale of Land - Hearing of Submissions 7.3 Banyule's Electoral Representation Review - Council's Draft Response Submission 7.4 Child Safe Policy - Review 7.5 Certification of the Financial Statements and Performance Statement for the Year Ended 30 June 2019 7.6 Audit & Risk Advisory Committee - Charter 7.7 Awarding of Contract No 1003-2019 - Architectural Services for the Design of Bellfield Community Hub

Councillors Present:	7.8 Assembly of Councillors General Business Peter Castaldo Alison Champion Mark Di Pasquale (arrived 6.30pm) Rick Garotti Craig Langdon Tom Melican
Staff Present:	Wayne Phillips Geoff Glynn – Acting Chief Executive Officer Allison Beckwith – Director Community Programs Marc Giglio – Director Corporate Services Scott Walker – Director City Development Darren Bennett – Acting Director Assets & City Services Gina Burden – Manager Governance & Communications Vivien Ferlino – Governance Coordinator Joel Elbourne – Manager Planning & Building Jonathon Risby – Manager Transport Russell Darling – Manager Operations John Milkins – Environmental Operations Coordinator Kate Tucker – Strategic Planner Tania O'Reilly – Manager Finance & Procurement
Others Present:	Nil
Conflict of Interest:	Nil

5	Date of Assembly:	23 September 2019
	Type of Meeting:	Councillor Briefing
	Matters Considered:	<ul style="list-style-type: none"> • Corporate Emissions Reduction Plan – Draft • NEL Update • Election Period Policy - Draft
	Councillors Present:	Alison Champion Mark Di Pasquale Rick Garotti Craig Langdon Tom Melican Wayne Phillips
	Staff Present:	Geoff Glynn – Acting Chief Executive Officer Marc Giglio – Director Corporate Services Scott Walker – Director City Development Gina Burden – Manager Governance & Communications Darren Bennett – Acting Director Assets & City Services Roberta Colosimo – Acting Director Community Programs Kerryn Woods – Executive & Councillors Team Leader Sian Gleeson – Environment Coordinator Paul Bellis – Transport Planning & Advocacy Coordinator Jonathan Risby – Manager Transport
	Others Present:	Nil
	Conflict of Interest:	Nil

Resolution (CO2019/203)

That the Assembly of Councillors report be received.

Moved: Cr Rick Garotti

Seconded: Cr Craig Langdon

CARRIED

8. SEALING OF DOCUMENTS

Nil

9. NOTICES OF MOTION**9.1 VETERANS SUPPORT CENTRE - 162 MAIN ROAD, LOWER PLENTY**

Cr Mark Di Pasquale submitted a Notice of Motion.

Resolution (CO2019/204)

That a report be presented to Council to consider the extension of the lease held on the Veterans Support Centre at 162 Main Road, Lower Plenty which includes consideration of:

- the length of the lease,
- current and future zoning of the property
- options for use of the property including sale.

Moved: Cr Mark Di Pasquale

Seconded: Cr Alison Champion

CARRIED

10. GENERAL BUSINESS

Nil

ADJOURNMENT OF MEETING**Resolution (CO2019/205)**

That the Meeting be adjourned for Public Question Time.

Moved: Cr Alison Champion

Seconded: Cr Rick Garotti

CARRIED

The Meeting adjourned for the Public Question Time at 10.35pm.

PUBLIC QUESTION TIME

1	<p>Name & Suburb</p> <p>Roger Fyfe</p>
	<p>Question:</p> <p>Ivanhoe Station Built Form Plan DDO11-4 shows 10 Seddon Street with a Heritage Overlay. The DDO11-4 Plan Key for Heritage is: "limited change anticipated". With a 31 metre development proposed behind and over-topping the Heritage listed Dentist's Surgery at 10 Seddon Street - what precisely is the definition of "limited change anticipated" under the Banyule Planning Scheme?</p>
	<p>Response:</p> <p><i>Scott Walker – Director City Development</i></p> <p>The term "Limited change anticipated" is not expressly defined in the DDO11 -Ivanhoe Activity Centre – Diversity Area Precincts however the intent of the Heritage Overlay 43.01 is designed to ensure that any proposed development on a heritage site:</p> <ul style="list-style-type: none"> • conserves and enhances those elements which contribute to the significance of heritage places and • to ensure that development does not adversely affect the significance of heritage places. <p>Specific development decisions on sites within a Heritage Overlay will also need to consider any applicable statement of significance (whether or not specified in the schedule to the Heritage overlay), heritage study and any applicable conservation policy in addition to the range of decision guidelines outlined in the Heritage Overlay.</p>

2	<p>Name & Suburb</p> <p>Margaret Fyfe</p>
	<p>Question:</p> <p>The Ivanhoe Activity Area six "most change" Precincts have Mandatory Heights as a result of a State government determination in 2018, with the exception of a small number of sites with Heritage overlays - where no height is indicated. Council is currently undertaking a Heritage Review. What progress has been made in remedying these Heritage site height omissions - as part of the Heritage Review, or otherwise?</p>
	<p>Response:</p> <p><i>Scott Walker – Director City Development</i></p> <p>Planning is underway to conduct a Heritage Study in 2020. The relationship between Heritage Overlays and the Ivanhoe Structure Plan (including sites listed in DD011) will be considered as part of scoping the Heritage Study.</p>

The Public Question Time concluded at 10.38pm.

Closure of Meeting

The Meeting was closed at 10.38pm.

DATED: DAY OF 2019

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MAYOR

The next Ordinary Meeting of Council will be held on Monday, 28 October 2019.