

Agenda of Ordinary Meeting of Council - Monday, 8 May 2023

Commencing at 7pm

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



Acknowledgement of the Traditional Custodians

“Banyule City Council is proud to acknowledge the Wurundjeri Woi-wurrung people as Traditional Custodians of the land and we pay respect to all Aboriginal and Torres Strait Islander Elders, past, present and emerging, who have resided in the area and have been an integral part of the region’s history.”

Inclusive Banyule Statement

“Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone: principles which empower, foster harmony and increase the wellbeing of an inclusive community.”

Apologies and Leave of Absence

Cr Peter Dimarelos will be an apology for the meeting and is on a Council granted Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 17 April 2023

Disclosure of Interests

1. Urgent Business

2. **Petitions**

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Reports

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4. **Our Inclusive and Connected Community**

Nil

5. **Our Sustainable Environment**

- 5.1 Banyule Environment and Climate Action Advisory Committee Recommendation - ICLEI
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6. **Our Well-Built City**

- 6.1 50 Chapman Street, Macleod - New Macleod Park pavilion (P1238/2022)..... 39

7. **Our Valued Community Assets and Facilities**

- 7.1 19A Stewart Terrace, Macleod - Proposed Sale of Land 55

8. **Our Thriving Local Economy**

Nil

9. Notices of Motion

Nil

10. General Business

Public Question Time

Closure of Meeting to the Public

That in accordance with Section 66(2)(a) of the *Local Government Act 2020*, Council close the Meeting to members of the public and adjourn for five minutes to allow the public to leave the Chamber prior to considering the following confidential matters:

11. Confidential Matters

11.1 Proposed Sale of Land – Heidelberg

This report has been designated as confidential pursuant to s 3(1)(g) of the 2020 Act as the information within the report contains information relating to commercial information, being information provided by a business, commercial or financial undertaking and relates to either trade secrets and if released prematurely, could unreasonably expose the business, commercial or financial undertaking to disadvantage.

Matters Discussed in Camera

That all confidential matters and reports related to the above items remain confidential unless otherwise specified.

Closure of Meeting

Live Streaming of Council Meeting

Please note that the Council Meeting will be livestreamed to ensure compliance with the Government's COVID -19 restrictions.

The livestream will be available on Council's Facebook and website www.banyule.vic.gov.au

The next Ordinary Meeting of Council will be held on Monday, 29 May 2023

2.1 REQUEST TO HAVE TRAFFIC MEASURES TO BE PUT INTO PLACE ALONG GLOUCESTER DRIVE, HEIDELBERG

Author: Amy Woolcombe - Council Business Officer, Executive

Ward: Hawdon

SUMMARY

1. A petition titled "Request to Have Traffic Measures to be put Into Place Along Gloucester Drive, Heidelberg" has been received with 100 signatories in support. The petition is dated 23 March 2023.
2. Of the 100 signatories, ninety-six (96) are from Heidelberg, two (2) from Rosanna and two (2) from Greensborough.
3. An additional eight (8) signatures were received on 26 April 2023.
4. Of the eight (8) signatures, one (1) was received from Viewbank, three (3) from Rosanna and four (4) from Heidelberg.
5. The total of signatures in support of this petition is 108.
6. The petition is summarised as follows:

"We, the undersigned, petition Banyule City Council to:

- *uphold the principle that proposed traffic solutions be based on traffic engineer's advice, noting that safety is a considered component of that advice.*
- *reverse its 6/2/2023 decision to not proceed with the permanent closure of Bristol Street at its intersection with Berkeley Avenue. That is, to make this closure **permanent**.*
- *urgently revise the proposal for managing traffic in Gloucester Drive, should Council proceed with its decision to re-open Bristol Street. Without justification, the proposal includes fewer speed humps than the adjacent Berkeley Avenue.*
- *explain the Council's legal liability for any injuries related to re-opening Bristol Street without adequate safety measures in place."*

RECOMMENDATION

That Council:

1. Receives and notes the petition.
2. Refer the matters that are raised in the petition to Council's Transport Department for consideration and response.
3. Advise the primary petitioner of this resolution.

REQUEST TO HAVE TRAFFIC MEASURES TO BE PUT INTO PLACE ALONG GLOUCESTER DRIVE, HEIDELBERG cont'd

- The petition request is as follows:

“We, the undersigned, petition Banyule City Council to:

- *uphold the principle that proposed traffic solutions be based on traffic engineer's advice, noting that safety is a considered component of that advice.*
- *reverse its 6/2/2023 decision to not proceed with the permanent closure of Bristol Street at its intersection with Berkeley Avenue. That is, to make this closure **permanent**.*
- *urgently revise the proposal for managing traffic in Gloucester Drive, should Council proceed with its decision to re-open Bristol Street. Without justification, the proposal includes fewer speed humps than the adjacent Berkeley Avenue.*
- *explain the Council's legal liability for any injuries related to re-opening Bristol Street without adequate safety measures in place.”*

DISCUSSION

- At its Ordinary Council Meeting held on 6 February 2023, Council considered a report in relation to the proposed temporary closure of Bristol Street, at the intersection of Berkeley Avenue, Heidelberg. The meeting minutes from this meeting can be found here [Council meeting agendas and minutes | Banyule Council](#).
- The report detailed a review of the 12-month temporary road closure, including speed and volume data analysis, feedback during the trial closure and community submissions received.

At the meeting it was resolved (in part):

“That Council

- *Not proceed with the permanent closure of Bristol Street at Berkeley Avenue.*
- *Approves the retention of the temporary road closure infrastructure, to allow for continued consultation regarding traffic calming measures in Gloucester Drive.*
- *Undertakes community consultation with residents who currently live on Gloucester Drive and Bristol Street, regarding the potential installation of three watts profile speed humps along Gloucester Drive; and subject to majority support through the consultation process, allocates \$60,000 to be funded from the 2022/23 Capital Works Budget savings for their installation.”*
- Subsequently, Council's Transport department have acted on the Council resolution and developed a proposal for speed humps. The proposed locations for the speed humps were chosen based on the recommended spacing of the speed humps, locations of intersecting driveways/streets, existing power poles for street lighting installation and other site constraints.
- This proposal was distributed to residents of Gloucester Drive and Bristol Street on 6 March 2023 and feedback was requested. The results and feedback received from the consultation survey is currently being analysed.

REQUEST TO HAVE TRAFFIC MEASURES TO BE PUT INTO PLACE ALONG GLOUCESTER DRIVE, HEIDELBERG cont'd

- Council is the custodian of an extensive range of community assets and infrastructure that it provides to facilitate delivery of its service to the community. This includes the roads that it holds legal responsibility for under and in accordance with the *Road Management Act 2004*. Motorist using a road also hold responsibilities set out in various legislation to other road users and assets.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- The Council operates to an endorsed set of Governance Rules as required under s 60 of the *Local Government Act 2020*. The Governance Rules provide for the meeting procedure of Council meetings and includes the provision for a rescission motion.
- Chapter 2, Division 6, Rule 40 of the Governance Rules provides for the process where Council could consider rescinding a motion of a previous Council resolution.
- A Councillor can only propose a motion to amend or rescind a previous resolution of Council provided that the resolution has not been acted upon, amongst other criteria which can be found here [Governance Rules Banyule Council](#)
- As such, due to the commencement of the implementation of the decision of Council from the 6 February 2023 the resolution cannot be rescinded.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- There are no financial implication arising from the recommendation contained in this report.

OFFICER DECLARATION OF CONFLICT OF INTEREST

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

**REQUEST TO HAVE TRAFFIC MEASURES TO BE PUT INTO PLACE ALONG
GLOUCESTER DRIVE, HEIDELBERG cont'd**

ATTACHMENTS

Nil

3.1 BANYULE CITY COUNCIL POSITION ON MAV STATE COUNCIL MOTIONS

Author: Krysten Forte - Governance Coordinator, Executive

SUMMARY

1. The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria and should take a lead role in advocating to the State Government on a variety of issues of concern to local governments in Victoria.
2. The State Council is MAV's governing body and is made up of representation from each member council.
3. Cr Tom Melican was appointed Council's Councillor representative/delegate at the 7 November 2022 Statutory Council Meeting and attends the MAV State Council Meetings with support from Officers.
4. Members can submit business to be considered at the relevant State Council Meeting in accordance with MAV's Strategy 2021-2025.
5. All motions were required submitted to the MAV 60 days prior to the meeting.
6. At the Council Meeting on the 27 February 2023 Council endorsed to submit 7 motions to be submitted to the MAV in accordance with the MAV's Strategic Direction 2021-2025 found at **Attachment 1**. All of these motions that were accepted are in the Business Papers.
7. The MAV released the Business Papers for the 19 May 2023 State Council Meeting on Wednesday 19 April 2023 for councils to consider.
8. The MAV State Council Business Papers <https://www.mav.asn.au/who-we-are/governance/state-council> encompasses 98 motions from across the sector and includes 7 consolidated motions.
9. Council's approach to the MAV State Council Meeting is that the Councillor MAV representative/ delegate attends the MAV State Council Meeting and votes on each of the motions presented in the Business Papers in accordance with Council's endorsed position, on behalf of their Council.
10. **Attachment 2** provides for Council's officer recommended position on each Motion for Council to consider in preparation for Cr Melican to extend the vote for Banyule City Council.
11. Out of the 98 motions, officers recommend that Council support 86 of those motions.
12. Out of the 98 motions, the officer recommendation and suggested Council position is that Council do not support 12 of the motions.
13. The purpose of this report is for Council to consider the motions and provide Council's position on each, in preparation for the MAV State Council Meeting scheduled for Friday 19 May 2023.

BANYULE CITY COUNCIL POSITION ON MAV STATE COUNCIL MOTIONS cont'd

RECOMMENDATION

That Council:

1. Endorse the proposed Council position on each of the 98 motions and 7 consolidated motions as presented in the MAV State Council Meeting Business Papers for the MAV State Council Meeting scheduled for Friday 19 May 2023 as found at **Attachment 2**.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide good governance, be accountable and make informed decisions based on sound evidence".

BACKGROUND

- The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria and should take a lead role in advocating to the State Government on a variety of issues of concern to local governments in Victoria.
- The State Council is MAV's governing body and is made up of representation from each member council.
- State Council's powers include determining the Rules of Association, electing the president and other members of the Board, determining the MAV's strategic direction and appointing the auditor.
- State Council meet twice a year, or more if required.
- Members can submit business to be considered to State Council in accordance with the MAV Rules.
- On the 19 April 2023 the MAV released the MAV State Council Business Papers that incorporate 98 motions from the sector, and 7 consolidated motions. These motions will be presented to the MAV State Council for vote.
- **Attachment 1** is a summary of the motions that Council endorsed to be submitted in line with the MAV's Strategic Directions
- **Attachment 2** details the 98 motions and the 7 consolidated motions and Council's proposed position to each.

KEY ISSUES

- There are 98 motions that are before State Council and 7 consolidated motions.
- Out of the 98 motions, officers recommend that Council support 86 of those motions.
- Out of the 98 motions, the officer recommendation and suggested Council position is that Council do not support 12 of the motions.
- Those motions and associated officer recommendations where the submitted motion is 'not supported' and the rationale is detailed in **Table 1**.

**BANYULE CITY COUNCIL POSITION ON MAV STATE COUNCIL MOTIONS
cont'd**

- Full details of the motions presented to the MAV in the Business Papers for State Council and the officer recommendation and suggested Council position is found at **Attachment 2**.

Table 1: Motions officers propose Council do not support.

Motion	Title	Rationale
C3	Reducing Harm from Electronic Gaming Machines	Not aligned to the existing policy, however the current policy is under review and these points will be considered as part of the review.
30	Reducing Harm from Electronic Gaming Machines (C3)	
31	Reducing Harm from Electronic Gaming Machines (C3)	
38	Disaster Recovery and Resilience Support for Local Government	Not directly related to impacts within Banyule.
62	Reinstate 'Know your Council' website	Council notes that The Local Government Performance Reporting Framework is a mandatory system of performance reporting for all Victorian council, and whilst the Know Your Council website and reporting system is no longer available there are plans to transition to a new site with improved navigation and functionality. As such Council are supportive of this change to enhance the transparency and performance reporting of all councils.
65	Increase Growing Suburbs Fund	We have no direct benefit from this fund
70	Private Health Insurance Lifetime Health Cover (LHC)	Not supported the evidence base provided is unclear
76	Removal of prayer from Council Meeting	Council at its meeting on 18 July 2023 resolved to acknowledge that a prayer should not be introduced to Banyule City Council meetings. This is aligned to the Local Government Act 2020 where councils are not required to include a council prayer in its meetings. However, Council does not hold a position on whether the prayer should be removed from all local government council's council meetings who currently undertake this practice as this should be a decision left for each council to determine. There Council do not support this motion.
79	Secondary Dwelling Pilot Program (Late Motion)	More detail regarding the pilot program would be required to recommend supporting this motion.
80	Climate Change and Social Justice	More detail regarding the pilot program would be required to recommend supporting this motion.
88	Continuation of the freeze on late night liquor licences in inner-city municipalities	Not relevant to Banyule municipality.
98	Proposed Victoria to NSW Interconnector	

**BANYULE CITY COUNCIL POSITION ON MAV STATE COUNCIL MOTIONS
cont'd**

	West Energy Transmission Line	
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- Motions are required to be aligned to the MAV Strategic Plan and are of local government significance.
- As part of Councils role in advocating for matters important to Banyule municipal district and the broader sector, it is important that Council considers the level of support for each motion and exercise each vote accordingly.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- Council's proposed position on each motion is in line with either Councils Plan, or adopted Council policies, strategies and plans.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.



Financial Implications

- There are no financial implications arising from the recommendation contained in this report.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

N	Title	Page
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1	Council endorsed motions - Submitted to the MAV 2023 	
2	Officer recommendations: Motions submitted to MAV State Council Meeting 19 May 2023 	

3.2 **BANYULE CEMETERIES TRUST - OPERATIONS REPORT**

Author: Jan Richardson - Cemeteries Administrator, Executive

SUMMARY

1. At its meeting of the 5 December 2022, Banyule Cemeteries Trust resolved as follows:
“That the Banyule Cemeteries Trust:
 1. *Cease holding separate Cemetery Trust meetings.*
 2. *Establish a new custom and practice where Officers present individual reports on the Cemetery Trust maintenance and performance to the Banyule City Council at an Ordinary Council meetings.*
 3. *The frequency of reporting to an Ordinary Meeting of Council on Cemetery Trust matters would be in accordance with the Manual for Victorian Class B Cemetery Trusts of a minimum of four (4) times per annum.*
 4. *Commence this change in the calendar year commencing January 2023.”*
2. The Operations Report provides an update on the operations of the cemeteries relating to burials and interments of cremated remains and any other issues, such as, grant applications, storm damage, irregular maintenance issues, etc., that may arise and require reporting.
3. The number of burials and ashes interments for the nine (9) months from 1 July 2022 to the 31 March 2023 has increased over the previous 2 years.
4. During the current financial year burials account for 47% of business (67% in 2021/22) and ashes purchases and interments 53% of business (33% in 2021/22).
5. This trend confirms that the interment of cremated remains has continued to improve with the easing of COVID-19 restrictions
6. The Banyule Cemeteries Trust Operations Report is now presented to the Banyule City Council for endorsement.

RECOMMENDATION

That Council:

1. Endorse the Banyule Cemeteries Trust Operations Report; and
2. Notes the Operational Report details, including:
 - The number of burials and ashes interments for the first nine (9) months of this financial year has increased over the previous 2 years,
 - The interment of cremated remains (ashes) has continued to improve with the easing of COVID-19 restrictions.

BANYULE CEMETERIES TRUST - OPERATIONS REPORT cont'd

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide responsible management of resources to ensure the financial sustainability of Banyule Council".

BACKGROUND

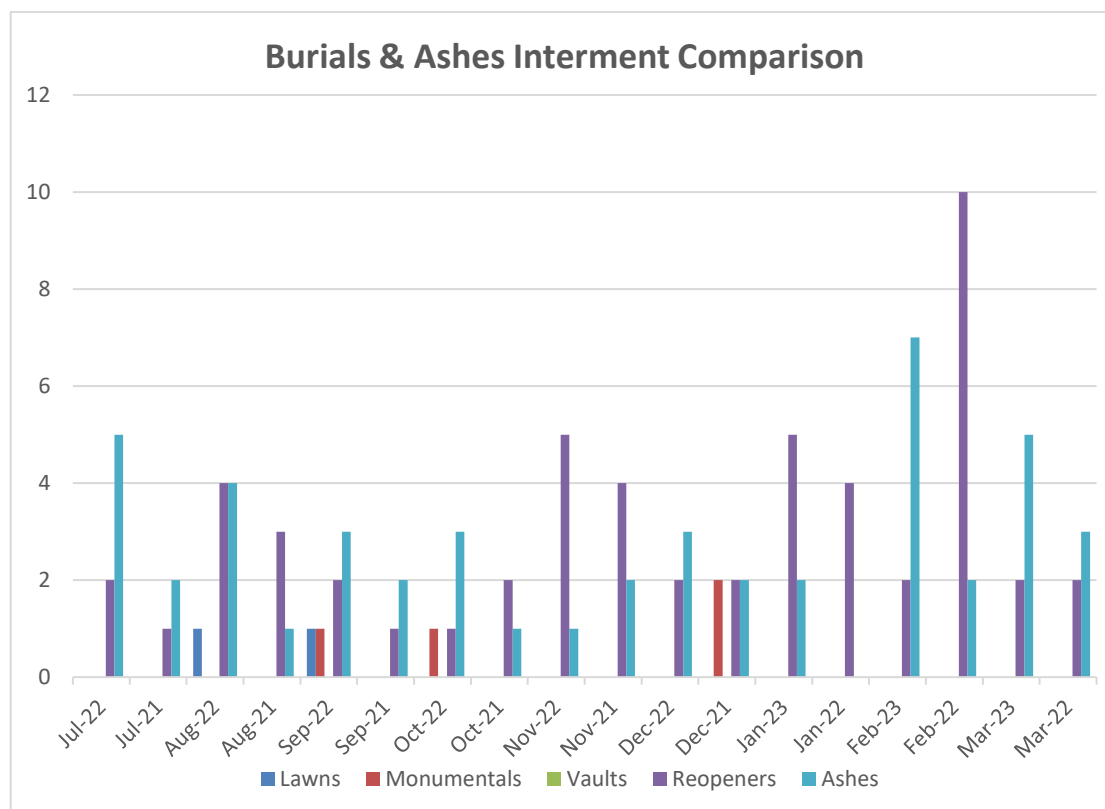
- The Department of Health appointed the Council of the municipality of the City of Heidelberg to administer ("be Trustees") the Warringal Cemetery on 27 February 1980.
- The Department of Health appointed the Council of the municipality of Shire of Diamond Valley to administer ("be Trustees") the Greensborough Public Cemetery on 1 November 1978.
- The separate Councils were amalgamated in December 1994 and Banyule City Council, as successor at law, assumed the responsibility for administering both cemeteries.
- Prior to amalgamation of Councils in December 1994, all cemetery reports went to an Ordinary Meeting of Council.
- Following Council amalgamations and the appointment of Commissioners in 1994, all reports and meetings of the Cemetery Trust went to a separate meeting.
- Subsequently, the cemeteries were amalgamated into the Banyule Cemeteries Trust.
- At the Banyule Cemeteries Trust meeting of the 5 December 2022, it was resolved as follows:
"That the Banyule Cemeteries Trust:
 1. *Cease holding separate Cemetery Trust meetings.*
 2. *Establish a new custom and practice where Officers present individual reports on the Cemetery Trust maintenance and performance to the Banyule City Council at an Ordinary Council meetings.*
 3. *The frequency of reporting to an Ordinary Meeting of Council on Cemetery Trust matters would be in accordance with the Manual for Victorian Class B Cemetery Trusts of a minimum of four (4) times per annum.*
 4. *Commence this change in the calendar year commencing January 2023.*
- Banyule Cemeteries Trust Operations Report is now presented to the Banyule City Council for endorsement.
- The Operations Report provides an update on the operations of the cemeteries relating to burials and interments of cremated remains and any other issues, such as, grant applications, storm damage, irregular maintenance issues, etc., that may arise and require reporting.

KEY ISSUES

- The number of burials and ashes interments carried out in the nine (9) months from 1 July 2022 to 31 March 2023 are 62 and this shows a rise over the previous 2 years.

BANYULE CEMETERIES TRUST - OPERATIONS REPORT cont'd

- The total number of burials and ashes interments were 46 in 2021/22, 36 in 2020/21 and 55 in 2019/20 over the same nine (9) month period.
- A graph showing the number of burials and ashes interments comparison between 2021/22 and 2022/23 is shown below:



- During the current financial year burials account for 47% of business (67% in 2021/22) and ashes purchases and interments 53% of business (33% in 2021/22).
- This trend confirms that the interment of cremated remains has continued to improve with the easing of COVID-19 restrictions.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- The *Cemeteries & Crematoria Act 2003* and *Cemeteries & Crematoria Regulations 2005* are the primary legislation under which the cemeteries are managed

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

BANYULE CEMETERIES TRUST - OPERATIONS REPORT cont'd

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- There are no financial implications arising from the recommendation contained in this report.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

Nil

3.3 **BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT**

Author: Jan Richardson - Cemeteries Administrator, Executive

SUMMARY

1. At the Banyule Cemeteries Trust meeting of the 5 December 2022, Council resolved:
“That the Banyule Cemeteries Trust:
 1. *Cease holding separate Cemetery Trust meetings.*
 2. *Establish a new custom and practice where Officers present individual reports on the Cemetery Trust maintenance and performance to the Banyule City Council at an Ordinary Council meeting.*
 3. *The frequency of reporting to an Ordinary Meeting of Council on Cemetery Trust matters would be in accordance with the Manual for Victorian Class B Cemetery Trusts of a minimum of four (4) times per annum.*
 4. *Commence this change in the calendar year commencing January 2023.”*
2. As such, Council have now incorporated the Trust reports into Council’s Ordinary Council Meeting.
3. The Financial Statement provides a quarterly update on the financial results of the cemeteries.
4. This report provides a financial update for the nine (9) months from 1 July 2022 to 31 March 2023.
5. The overall Operating Loss for the first nine (9) months is \$13,082.
6. The Trust had budgeted for an Operating Loss for the first nine (9) months of \$74,106.
7. The variance is \$61,024 or 82.35% better than budgeted.
8. The basis for the good result is primarily due to the sale of a grave in the first quarter of the financial year and the higher than budgeted interest on investments return.
9. The Banyule Cemeteries Trust Financial Statement is now presented to the Banyule City Council meeting for review and endorsement.

RECOMMENDATION

That Council:

1. Endorse the Banyule Cemeteries Trust Financial Statement for the six (6) months from 1 July 2022 to 31 December 2022; and
2. Notes that the Financial Statement indicates that:
 - The overall Operating Loss for the first nine (9) months is \$13,082,

BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

- The variance is \$61,024 or 82.35% better than budgeted,
- The results detailed are due to the sale of a grave in the first quarter of the financial year and the higher than budgeted interest on investments return.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide responsible management of resources to ensure the financial sustainability of Banyule Council".

BACKGROUND

- The Department of Health appointed the Council of the municipality of the City of Heidelberg to administer ("be Trustees") the Warringal Cemetery on 27 February 1980.
- The Department of Health appointed the Council of the municipality of Shire of Diamond Valley to administer ("be Trustees") the Greensborough Public Cemetery on 1 November 1978.
- The separate Councils were amalgamated in December 1994 and Banyule City Council, as successor at law, assumed the responsibility for administering both cemeteries.
- Prior to amalgamation of Councils in December 1994, all cemetery reports went to an Ordinary Meeting of Council.
- Following Council amalgamations and the appointment of Commissioners in 1994, all reports and meetings of the Cemetery Trust went to a separate meeting.
- Subsequently, the cemeteries were amalgamated into the Banyule Cemeteries Trust.
- At its meeting of the 5 December 2022, Banyule Cemeteries Trust resolved as follows:
"That the Banyule Cemeteries Trust:
 1. *Cease holding separate Cemetery Trust meetings.*
 2. *Establish a new custom and practice where Officers present individual reports on the Cemetery Trust maintenance and performance to the Banyule City Council at an Ordinary Council meetings.*
 3. *The frequency of reporting to an Ordinary Meeting of Council on Cemetery Trust matters would be in accordance with the Manual for Victorian Class B Cemetery Trusts of a minimum of four (4) times per annum.*
 4. *Commence this change in the calendar year commencing January 2023."*
- The Cemeteries Trust Financial Statement is now presented to the Banyule City Council meeting for review and endorsement.
- The Financial Statement provides a quarterly update on the financial results of the cemeteries.
- This report provides a financial update for the nine (9) months from 1 July 2022 to 31 March 2023.

BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

KEY ISSUES

- The overall Operating Loss for the first nine (9) months is \$13,082. The variance is \$61,024 or 82.35% better than budgeted.
- The Trust had budgeted for an Operating Loss for the first nine (9) months of \$74,106.
- The Actual Income for the same period is \$205,673. The Income variance is \$60,746 or 41.91% better than budgeted.
- The Actual Expenditure for the same period is \$218,755. The Expenditure variance is \$278 or 0.13% under budget.
- The basis for the good result is primarily due to the sale of a grave in the first quarter of the financial year and the higher than budgeted interest on investments return.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- The *Cemeteries & Crematoria Act 2003* and *Cemeteries & Crematoria Regulations 2005* are the primary legislation under which the cemeteries are managed.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- Attached are the Budget v/s Actual financial statements for the nine (9) months from 1 July 2022 to 31 March 2023.
- Explanations of the results to the 31 March 2023 are as follows:

Income Variances

Burial Purchase and Interment	Favourable	\$20,288
Ashes Purchase and Interment	Favourable	\$7,325
Monument and Plaque Fees	Favourable	\$9,981
Vault Purchase and Interment	Unfavourable	(\$1,818)
Interest on Investment and Other Income	Favourable	\$28,876
Government Grants	Unfavourable	(\$3,906)
Total Income	Favourable	\$60,746

BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

- Burial purchases and interments are better than budget by approximately \$20,000. This is due the sale of a grave (surrendered in 2021/22 financial year and subsequently on sold in this financial year) and to the Trust having more burials than budgeted.
- Ashes purchases and interments are better than budget by approximately \$7,300.
- Monument and plaque fees are better than budget by approximately \$9,900. This is due to more sales of plaques than budgeted.
- Vault purchases and interments are under budget by approximately \$1,800. This is due to no interments in vaults so far this financial year.
- Interest on Investment and Other Income are better than budget by approximately \$28,800. This is due to higher interest rates.
- Government Grants are under budget by approximately \$3,900. No grant applications have been made so far this year.
- Overall, income is better than budgeted by \$60,746 (41.91%).

Expenditure Variances

Administration	Unfavourable	(\$917)
Maintenance	Favourable	\$9,494
Burial Costs	Unfavourable	(\$3,601)
Restorations, Equipment and Other	Favourable	\$389
Plaque Placements	Unfavourable	(\$5,086)
Total Expenditure	Favourable	\$278

- Administration costs are over budget by approximately \$900.
- Maintenance costs are better than budget by approximately \$9,500. This is due to the Contractor Lump Sum for maintenance being slightly less than budgeted because of invoice timing.
- Burial costs are over budget by approximately \$3,600. This due to more burials than budgeted.
- Restorations, Equipment and Other are better than budget by approximately \$400. This is due to very little expenditure in this area so far this year.
- Plaque Placement expenditure is over budget by approximately \$5,000. There have been more plaque placements due to more plaques being ordered, see corresponding Income section above.
- Overall, Expenditure is better than budget by \$278 (0.13%).

Capital

No capital expenditure has been budgeted for this financial year

BANYULE CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

N	Title	Page
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1	Income & Expenditure Statement - 1 July 2022 - 31 March 2023	

3.4 **BANYULE CEMETERIES TRUST - FEES 2023-2024**

Author: Jan Richardson - Cemeteries Administrator, Executive

SUMMARY

1. At its meeting of the 5 December 2022, Banyule Cemeteries Trust resolved as follows:

“That the Banyule Cemeteries Trust:

- 1. Cease holding separate Cemetery Trust meetings.*
- 2. Establish a new custom and practice where Officers present individual reports on the Cemetery Trust maintenance and performance to the Banyule City Council at an Ordinary Council meetings.*
- 3. The frequency of reporting to an Ordinary Meeting of Council on Cemetery Trust matters would be in accordance with the Manual for Victorian Class B Cemetery Trusts of a minimum of four (4) times per annum.*
- 4. Commence this change in the calendar year commencing January 2023.”*
2. The Department of Health has advised that the automatic increase in cemetery trust fees for the 2023/24 year will be CPI of 8.0%.
3. The CPI increase of 8.0% will be automatically applied to all the Trust fees above \$50 if the Department of Health does not receive a response from the Trust by the 9 June 2023.
4. A “Search of Records” fee has been incorporated into the current fee schedule. This fee would be required to be paid if a community member requested Officers to undertake a search for cemetery records and is a new fee that Council would charge.
5. Over the past 8 financial years, Banyule Cemeteries Trust has increased cemetery fees by a total of 43.18%.
6. Banyule Cemeteries Trust applied for a fee increase over and above the CPI in the last financial year 2022/23. This increase was 2.5% on top of the 2.5% CPI increase for the 2022/23 financial year.
7. Officers believe that it would be unlikely that the Department of Health would approve an application for a fee increase, on all products, over and above CPI due to the current economic climate.
8. The Banyule Cemeteries Trust Fees 2023-2024 Report is now presented to the Banyule City Council for adoption.

RECOMMENDATION

That Council:

1. Adopt the fees recommended by the Department of Health and as reported in the Banyule Cemeteries Trust – Fees 2023-2024 report.

BANYULE CEMETERIES TRUST - FEES 2023-2024 cont'd

2. Notes the Fees 2023-2024 details, including:
- The fees will increase by a CPI of 8.0% as from the 1 July 2023,
 - A "Search of Records" fee has been incorporated into the current fee schedule.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide responsible management of resources to ensure the financial sustainability of Banyule Council".

BACKGROUND

- The Department of Health appointed the Council of the municipality of the City of Heidelberg to administer ("be Trustees") the Warringal Cemetery on 27 February 1980.
- The Department of Health appointed the Council of the municipality of Shire of Diamond Valley to administer ("be Trustees") the Greensborough Public Cemetery on 1 November 1978.
- The separate Councils were amalgamated in December 1994 and Banyule City Council, as successor at law, assumed the responsibility for administering both cemeteries.
- Prior to amalgamation of Councils in December 1994, all cemetery reports went to an Ordinary Meeting of Council.
- Following Council amalgamations and the appointment of Commissioners in 1994, all reports and meetings of the Cemetery Trust went to a separate meeting.
- Subsequently, the cemeteries were amalgamated into the Banyule Cemeteries Trust.
- At the Banyule Cemeteries Trust meeting of the 5 December 2022, it was resolved as follows:
"That the Banyule Cemeteries Trust:
 1. *Cease holding separate Cemetery Trust meetings.*
 2. *Establish a new custom and practice where Officers present individual reports on the Cemetery Trust maintenance and performance to the Banyule City Council at an Ordinary Council meetings.*
 3. *The frequency of reporting to an Ordinary Meeting of Council on Cemetery Trust matters would be in accordance with the Manual for Victorian Class B Cemetery Trusts of a minimum of four (4) times per annum.*
 4. *Commence this change in the calendar year commencing January 2023.*
- The Department of Health has advised that the automatic increase in cemetery trust fees for the 2023/24 year will be CPI of 8.0%.
- The CPI increase of 8.0% will be automatically applied to all the Trust fees above \$50 if the Department of Health does not receive a response from the Trust by the 9 June 2023.

BANYULE CEMETERIES TRUST - FEES 2023-2024 cont'd

- All fee increases over and above the CPI increase or to add new fees require the Trust to follow the Department of Health's fee application process.
- Banyule Cemeteries Trust has historically reviewed all fees annually.
- Fee increases in previous years are shown below:

Financial Year	% Fee Increase
2015/16	15%*
2016/17	CPI 1.9%
2017/18	5.78% overall
2018/19	7.2% overall
2019/20	5% overall
2020/21	CPI 2%
2021/22	CPI 1.3%
2022/23	CPI 2.5% + 2.5% over and above CPI

*15% increase was due to the undertaking of a major fee review which had not occurred for a number of years.

- Banyule Cemeteries Trust has applied for a fee increase over and above the CPI in the last financial year 2022/23.
- Over the past 8 financial years, Banyule Cemeteries Trust has increased cemetery fees by a total of 43.18%.
- As reported previously, sales of all new graves are exhausted and this is the primary source of income that goes straight to the Trust Reserve.
- Costs are continuing to increase – supplier costs, utility costs, contractor costs, salaries and Banyule City Council overhead costs.
- The plaque manufacturer has consistently increased fees by more than CPI since 2007/08, the most recent being 8.3% from 1 July 2022. This trend is not expected to change.
- The 2023/24 Budget and 10 Year Budget Forecast provides substantial argument for the Trust to apply for increases in its fees by greater than the recommended CPI increase.
- Officers believe that it would be unlikely that the Department of Health would approve an application for a fee increase, on all products, over and above CPI due to the current economic climate.
- The cemetery trust has incorporated fees for "Search of Records" of \$85.00 per hour or a minimum of \$35.00 (15 minute search of records).
- A "Search of Records" fee has been incorporated into the current fee schedule. This fee would be required to be paid if a community member requested Officers to undertake a search for cemetery records and is a new fee that Council would charge.
- The Banyule Cemeteries Trust Fees 2023-2024 Report is now presented to the Banyule City Council for adoption.

KEY ISSUES

- The Department of Health recommended CPI fee increase for the 2023-2024 year is 8.0%.

BANYULE CEMETERIES TRUST - FEES 2023-2024 cont'd

- A “Search of Records” fee has been incorporated into the current fee schedule.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- The *Cemeteries & Crematoria Act 2003* and *Cemeteries & Crematoria Regulations 2005* are the primary legislation under which the cemeteries are managed.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- The Department of Health encourages all Trusts to be financially viable in order to service their perpetual maintenance obligations.
- Banyule Cemeteries Trust, based upon current projections in the 10 Year Forecast, will be unable to meet its perpetual maintenance obligation under the *Cemeteries & Crematoria Act 2003*.
- Operating losses will continue without significant fee increases over and above the CPI.
- Operating losses have occurred each year since the financial year 2015/16.
- Operating losses will eventually deplete the funds held in the Trust reserve.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

N	Title	Page
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BANYULE CEMETERIES TRUST - FEES 2023-2024 cont'd

1 Department of Health - CPI Increase to Cemetery Trust Fees



3.5 BANYULE CEMETERIES TRUST - OPERATIONS BUDGET 2023-2024 AND 10 YEAR BUDGET FORECAST

Author: Jan Richardson - Cemeteries Administrator, Executive

SUMMARY

1. At its meeting of the 5 December 2022, Banyule Cemeteries Trust resolved as follows:

“That the Banyule Cemeteries Trust:

- 1. Cease holding separate Cemetery Trust meetings.*
- 2. Establish a new custom and practice where Officers present individual reports on the Cemetery Trust maintenance and performance to the Banyule City Council at an Ordinary Council meetings.*
- 3. The frequency of reporting to an Ordinary Meeting of Council on Cemetery Trust matters would be in accordance with the Manual for Victorian Class B Cemetery Trusts of a minimum of four (4) times per annum.*
- 4. Commence this change in the calendar year commencing January 2023.”*
2. The Banyule Cemeteries Trust Operations Budget 2023-2024 and 10 Year Budget Forecast has been developed based on the recommended CPI fee increase of the Department of Health of 8.0%.
3. The largest costs to the budget and forward estimates are salaries and Banyule City Council corporate overhead.
4. The CPI increase of 8.0% will be automatically applied to all the Trust fees if the Department of Health does not receive a response from the Trust by the 9 June 2023.
5. The Budget provides \$15,000 towards a new cemetery database and mapping system and an additional 0.4EFT from January 2024 to support the database and mapping system upgrade.
6. The Banyule Cemeteries Trust Operations Budget 2023-2024 and 10 Year Budget Forecast must be considered in conjunction with the Fees 2023-2024 report.
7. The Banyule Cemeteries Trust Operations Budget 2023-2024 and 10 Year Budget Forecast Report is now presented to the Banyule City Council for adoption.

RECOMMENDATION

That Council:

1. Adopt the Banyule Cemeteries Trust Operations Budget 2023-2024 and 10 Year Budget Forecast, and

BANYULE CEMETERIES TRUST - OPERATIONS BUDGET 2023-2024 AND 10 YEAR BUDGET FORECAST cont'd

2. Apply the CPI fee increase of 8.0%, to all fees over \$50, as from the 1 July 2023.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide responsible management of resources to ensure the financial sustainability of Banyule Council".

BACKGROUND

- The Department of Health appointed the Council of the municipality of the City of Heidelberg to administer ("be Trustees") the Warringal Cemetery on 27 February 1980.
- The Department of Health appointed the Council of the municipality of Shire of Diamond Valley to administer ("be Trustees") the Greensborough Public Cemetery on 1 November 1978.
- The separate Councils were amalgamated in December 1994 and Banyule City Council, as successor at law, assumed the responsibility for administering both cemeteries.
- Prior to amalgamation of Councils in December 1994, all cemetery reports went to an Ordinary Meeting of Council.
- Following Council amalgamations and the appointment of Commissioners in 1994, all reports and meetings of the Cemetery Trust went to a separate meeting.
- Subsequently, the cemeteries were amalgamated into the Banyule Cemeteries Trust.
- At the Banyule Cemeteries Trust meeting of the 5 December 2022, it was resolved as follows:
"That the Banyule Cemeteries Trust:
 1. *Cease holding separate Cemetery Trust meetings.*
 2. *Establish a new custom and practice where Officers present individual reports on the Cemetery Trust maintenance and performance to the Banyule City Council at an Ordinary Council meetings.*
 3. *The frequency of reporting to an Ordinary Meeting of Council on Cemetery Trust matters would be in accordance with the Manual for Victorian Class B Cemetery Trusts of a minimum of four (4) times per annum.*
 4. *Commence this change in the calendar year commencing January 2023.*
- The Department of Health has advised that the automatic increase in cemetery trust fees for the 2023-2024 year will be CPI of 8.0%.
- The Operations Budget 2023-2024 and 10 Year Budget Forecast has been prepared on this basis.
- The Operations Budget 2023-2024 and 10 Year Budget Forecast highlights the need to consider options for the long term financial sustainability of the Cemetery Trust and the impact to the Trust Reserve over a 10 Year period.

BANYULE CEMETERIES TRUST - OPERATIONS BUDGET 2023-2024 AND 10 YEAR BUDGET FORECAST cont'd

- The Banyule Cemeteries Trust Operations Budget 2023-2024 and 10 Year Budget Forecast Report is now presented to the Banyule City Council for adoption.

KEY ISSUES

- The Banyule Cemeteries Trust Operations Budget 2023-2024 and 10 Year Budget Forecast has been developed based on:
 - the recommended CPI fee increase of the Department of Health of 8.0%, and
 - using the figures from the previous budget 2022-2023, the forecast and actual figures from the 1 July 2022 to 31 March 2023.
- The largest costs to the budget and forward estimates are salaries and Banyule City Council corporate overhead.
- Salaries will increase to 1 EFT from 1 January 2024 for 2 years to implement the new database and mapping system.
- The budget includes \$15,000 for a new cemetery database and mapping system & 0.4EFT from January 2024 in to support the database and mapping system upgrade.
- Database and mapping system from 2024 will be budgeted for \$500 pa (+ CPI) for any new records.
- Income for burials and ashes interments is predicted to remain the same over the 10 year period.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- The *Cemeteries & Crematoria Act 2003* and *Cemeteries & Crematoria Regulations 2005* are the primary legislation under which the cemeteries are managed

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

BANYULE CEMETERIES TRUST - OPERATIONS BUDGET 2023-2024 AND 10 YEAR BUDGET FORECAST cont'd

Financial Implications

- The Trust Reserve shows a steady reduction in the balance over the 10 year period to 2032/33.
- The largest costs to the budget and forward estimates are salaries and Banyule City Council corporate overhead.
- The salary component and Banyule City Council corporate overhead for the 2023-2024 year totals \$181,435.
- If the cemetery salary and corporate overhead were absorbed into Banyule City Council's operational costs then this would arrest the decline in the Trust Reserve.
- The Operations Budget 2023-2024 and 10 Year Budget Forecast documents have been prepared using the figures from the previous budget 2022-2023, the forecast and actual figures from the 1 July 2022 to 31 March 2023.
- The CPI increase of 8.0% will be automatically applied to all the Trust fees if the Department of Health does not receive a response from the Trust by the 9 June 2023.
- All fee increases more than the CPI increase, or to add new fees, require the Trust to follow the Department of Health's separate fee application process.
- The budget includes \$15,000 for a new cemetery database and mapping system that was recommended by the consultant reviewing the management of the cemeteries within the remit of Banyule City Council.
- Also included in the budget is a provision for 0.4EFT staffing from January 2024 to support the upgrade of the cemetery database and mapping system.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

N	Title	Page
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1	Operations Budget 2023-2024 & 10 Year Budget Forecast	

3.6 RECORD OF COUNCILLOR MEETINGS

Author: Amy Woollcombe - Council Business Officer, Executive

SUMMARY

In accordance with section 60 of *the Local Government Act 2020*, Council at its meeting on 14 November 2022 adopted the Banyule Governance Rules. The Governance Rules, Chapter 6 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, meet the following definition:

If there is a meeting of Councillors that:

1. Is scheduled or planned for the purposes of discussing the business of Council or briefing Councillors;
2. Is attended by at least one member of Council staff; and
3. Is not a Council meeting, Delegated Committee Meeting or a Community Asset Committee Meeting

Are tabled at the next convenient Council Meeting and are recorded in the meeting minutes of that Council meeting.

Record of Meetings

1	Date of Meeting:	17 April 2023, 5:33pm
	Type of Meeting:	Pre-Brief
	Matters Considered:	
<ul style="list-style-type: none"> • 3.1 Awarding of Contract - MAV ES8111 - ICT Professional & Leasing Services • 3.2 Award of Contract No. 1244-2022 Implementation of Microsoft Azure Middleware platform. • 3.3 Awarding of Contract No: 1234-2022 Provision of a Panel for Coaching, Facilitation, Capability and Compliance • 3.4 Councillor Professional Development Opportunities • 3.5 Record of Councillor Meetings • 4.1 Minutes from the Audit & Risk Committee Meeting held 24 March 2023 • 4.2 Advisory and Population Committees Report - February - March 2023 • 4.3 Development of an Aboriginal Action Plan • 4.4 Community Consultation - Feedback recommendations for Council consideration on Budget 2023-27 and Council Plan 2021-2025 Year 3 actions • 6.1 Hurstbridge Rail Feasibility Study - Implementation Plan • 6.2 Proposed Amendment C172 to the Banyule Planning Scheme (Implementation of the Heidelberg Major Activity Centre Structure Plan) • 6.3 North East Link - Central Package - Urban Design and Landscape Plan - Minister Endorsement 		

RECORD OF COUNCILLOR MEETINGS cont'd

	<ul style="list-style-type: none"> • 6.4 Abandonment of Planning Scheme Amendment C107 - Treetop Adventure Park in Yarra Flats • 8.1 Notice of Intention to Declare a Special Rate and Charge - Ivanhoe Shopping Centre • 8.2 Notice of Intention to Declare a Special Charge - East Ivanhoe Village • 9.1 Public health concerns – The regulations concerning the retail of e-cigarettes and vapes and Council’s advocacy options 		
	<p>Councillors Present:</p> <p>Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Alison Champion – arrived 5:37pm Cr Peter Dimarelos Cr Mark Di Pasquale Cr Rick Garotti – stepped out at 6.01pm, returned 6.02pm Cr Tom Melican Cr Elizabeth Nealy</p>		
	<p>Staff Present:</p> <p>Allison Beckwith - <i>Chief Executive Officer</i> Darren Bennett – <i>Director Assets & City Services</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Kath Brackett – <i>Director Community Wellbeing</i> Krysten Forte – <i>Governance Coordinator</i> Jonathan Risby - <i>Manager Transport & Environment</i> Linda Chapple - <i>Governance & Council Business Specialist</i></p>		
	<p>Others Present: Nil</p>		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Conflict of Interest:</td> <td>Nil</td> </tr> </table>	Conflict of Interest:	Nil
Conflict of Interest:	Nil		

2	<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Date of Meeting:</td> <td>17 April 2023, 10:09pm</td> </tr> <tr> <td>Type of Meeting:</td> <td>Briefing after Confidential Meeting</td> </tr> </table>	Date of Meeting:	17 April 2023, 10:09pm	Type of Meeting:	Briefing after Confidential Meeting
Date of Meeting:	17 April 2023, 10:09pm				
Type of Meeting:	Briefing after Confidential Meeting				
	<p>Matters Considered:</p> <ul style="list-style-type: none"> • Strategic Property Opportunity 				
	<p>Councillors Present:</p> <p>Mayor Cr Peter Castaldo Deputy Mayor Cr Alida McKern Cr Peter Dimarelos Cr Mark Di Pasquale Cr Rick Garotti Cr Tom Melican Cr Elizabeth Nealy</p>				
	<p>Staff Present:</p>				

RECORD OF COUNCILLOR MEETINGS cont'd

Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Krysten Forte – <i>Governance Coordinator</i> Linda Chapple - <i>Governance & Council Business Specialist</i>	
Others Present: Nil	
Conflict of Interest:	Yes – Cr Alison Champion – declared a material conflict and was not present for the briefing

3	Date of Meeting:	24 April 2023, 6:33pm
	Type of Meeting:	Councillor Briefing
	Matters Considered:	
	<ul style="list-style-type: none"> • Budget 2023-2027 Status update • Corporate Memberships and Affiliations • Loan Funding for Rosanna Library Project • Update on Malahang Reserve Bike Hut Expansion Feasibility • Climate Action Strategy Update and Roadmap • Windfall Gains Tax – Advocacy Update (All wards) 	
	Councillors Present:	
	Mayor Cr Peter Castaldo - left 9.04pm returned 9.07pm Deputy Mayor Cr Alida McKern - left 9.04pm returned 9.07pm Cr Alison Champion - left 7.50pm returned 7.54pm, left 9.05pm returned 9.09pm Cr Mark Di Pasquale - left 9.06pm returned 9.09pm Cr Rick Garotti - left 9.06pm returned 9.09pm Cr Tom Melican – left 9.02pm returned 9.09pm Cr. Mitsinikos – left 9.02pm returned 9.08pm Cr Elizabeth Nealy - left 7.03pm returned 7.06pm and left 9.05pm returned 9.09pm	
Staff Present:		
Allison Beckwith - <i>Chief Executive Officer</i> Marc Giglio – <i>Director Corporate Services</i> Natasha Swan – <i>Director City Development</i> Darren Bennett – <i>Director Assets & City Services</i> Kath Brackett – <i>Director Community Wellbeing</i> Linda Chapple - <i>Governance & Council Business Specialist</i>		
Others Present: Nil		
Conflict of Interest:	Nil	

RECOMMENDATION

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

RECORD OF COUNCILLOR MEETINGS cont'd

ATTACHMENTS

Nil

5.1 BANYULE ENVIRONMENT AND CLIMATE ACTION ADVISORY COMMITTEE RECOMMENDATION - ICLEI MEMBERSHIP

Author: Ellie Hall - Environmental Sustainability Officer, City Development

Previous Items

Council on 17 April 2023 (Item 4.2 - Advisory and Population Committees Report - February - March 2023)

SUMMARY

1. The Banyule Environment and Climate Action Advisory Committee (BECAAC) has recommended to Council that it pursue membership of International Council for Local Environmental Initiatives (ICLEI) - *Local Government for Sustainability Oceania* for a trial year in 2023/24.
2. Council noted the recommendation at its meeting on 17 April 2023 and also noted that a report would be brought to Council as the recommendation has a resource implication as there is no current funding for a membership.
3. The purpose of this report is to consider the recommendation of BECAAC. Council officer advice is also provided regarding the proposed membership.
4. International Council for Local Environmental Initiatives (ICLEI) Oceania supports local governments across Australia, New Zealand, and the Pacific to accelerate sustainable urban development and climate action.
5. It is noted that many of the opportunities provided by International Council for Local Environmental Initiatives (ICLEI) are accessible by Council currently in the absence of membership.

RECOMMENDATION

That Council:

1. Not pursue membership of International Council for Local Environmental Initiatives - *Local Government for Sustainability Oceania* at this time, as it is considered there is already adequate access to capacity building, networking and project coordination through Council's current memberships of Northern Alliance of Greenhouse Action, Climate Emergency Australia and Council Alliance for a Sustainable Built Environment.
2. Provide feedback to Banyule Environment and Climate Action Advisory Committee (BECAAC) on Council's decision.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Demonstrate leadership in addressing climate change and take action to become a carbon neutral Council by 2028 and City by 2040".

**BANYULE ENVIRONMENT AND CLIMATE ACTION ADVISORY COMMITTEE
RECOMMENDATION - ICLEI MEMBERSHIP cont'd**

BACKGROUND

- The Banyule Environment and Climate Action Advisory Committee (BECAAC) has recommended to Council that it pursue membership of International Council for Local Environmental Initiatives - *Local Government for Sustainability Oceania* for a trial year in 2023/24.
- Subject to Council endorsement of the recommendation above, BECAAC has also requested that they receive an activity and evaluation report from Officers at the end of the trial year to evaluate the benefits of ICLEI membership. BECAAC would subsequently provide a recommendation concerning continued membership to Council for consideration at a future Council meeting.
- Council is currently a member of a range of industry groups which support capacity building, networking, project coordination and advocacy.
- As many local governments are facing the same challenges, it is important for Councils to pool resources and collaborate. Some industry groups Council is already subscribed to are:
 - Climate Emergency Australia (CEA):
 - CEA was born out of the Climate Emergency Conference in early 2019.
 - CEA aims to deliver advocacy on a federal level on topics that effect Local Governments Australia wide (i.e a national climate risk levy on coal exports to support local governments to build resilience to climate induced severe weather events)
 - The network also shares resources between local governments to advance the progress of a climate emergency response.
 - Northern Alliance of Greenhouse Action (NAGA):
 - NAGA coordinates action across Local Governments in the north of Melbourne, as well as coordinating with other Alliances for larger projects or advocacy initiatives.
 - NAGA build capacity and shares resources and has been responsible for a range of cross council projects (i.e. VECO Power Purchase Agreement, Northern fleet transition plan)
 - Council Alliance for a Sustainable Built Environment (CASBE):
 - CASBE focusses on the built environment and has spent the last year compiling a planning scheme amendment which elevates ESD targets in the Victorian Planning Scheme. The group is now advocating for this change to be implemented.
- All the above networks include the provision of capacity building workshops focusing on State or Federal challenges and project coordination.
- **International Council for Local Environmental Initiatives**
ICLEI (International Council for Local Environmental Initiatives) was established by the United Nations in 1990. ICLEI Oceania supports local governments across Australia, New Zealand, and the Pacific to accelerate sustainable urban development and climate action.
- ICLEI Oceania is a member organisation, part of the global ICLEI network of more than 2,500 local and regional governments worldwide. ICLEI membership supports the activities of ICLEI internationally, their publications and international webinars.

**BANYULE ENVIRONMENT AND CLIMATE ACTION ADVISORY COMMITTEE
RECOMMENDATION - ICLEI MEMBERSHIP cont'd**

- ICLEI provides a platform for local governments to achieve their climate and sustainability goals through:
 - Advocacy and knowledge sharing.
 - Capacity building.
 - Global connections.
- For example, in the lead up to the 2021 election, ICLEI ran a three-point advocacy campaign focusing on elevating and acknowledging the critical role of Local Government in progressing climate action.
- Membership of ICLEI would cost Council \$3,340 per annum. It is noted that some ICLEI programs are open to non-members and some programs require an extra cost (discounted for members).
- ICLEI’s opportunities are available in **Attachment 1**.

- **KEY ISSUES** consulted with other Councils who currently have membership of ICLEI, met with ICLEI representatives and researched their offerings.
- Based on this research it is considered that Council already has adequate access to capacity building, networking and project coordination through current memberships of NAGA, CEA and CASBE.
- These groups focus on advocacy to State and Federal Governments that more directly affect Council’s work.
- ICLEI would be a good addition to our memberships if there is strong interest and motivation at a Councillor level to broaden our reach to engage internationally.
- Programs specifically designed by ICLEI to support work in the built and natural environment can be accessed without membership and so are already available to us. The only service not currently offered is the Members Corner (as outlined in **Attachment 1**), which is available to Council Staff only and is a bi-annual virtual forum.

• A summary of Opportunities and Challenges of membership is outlined below:

Opportunities of membership	Challenges of membership
Membership would allow Council to contribute to advocacy and capacity building at an international level.	Some extra reporting & engagement which could constrain resources otherwise focused on delivery.
ICLEI actively implements and participates in international negotiations, and ensures the needs, interests and priorities of local and regional governments are represented.	Both Councillors and staff already have access to locally relevant capacity building programs and opportunities for collaboration and collective advocacy.
ICLEI coordinates programs which align with Council goals which could be accessed (with or without membership in some cases)	Many ICLEI programs are available to access without membership.

- Overall, Council Officers do not see the current value of the membership based on the available information. Given the small cost should Council wish to pursue membership Officers agree that it should be for one year as trial so we could test the benefits.

**BANYULE ENVIRONMENT AND CLIMATE ACTION ADVISORY COMMITTEE
RECOMMENDATION - ICLEI MEMBERSHIP cont'd**

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- Membership of ICLEI would cost Council \$3,340 per annum. It is noted that some ICLEI programs are open to non-members and some programs require an extra cost (discounted for members).
- Should Council support BECAAC's recommendation, an additional \$3,340 would need to be allocated in the 2023/24 budget to support the trial year.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

N	Title	Page
o	.	
1	ICLEI Oceania snapshot 2023 	

6.1 50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION (P1238/2022)

Author: Marcus Brooker - Development Planner, City Development

Ward: Ibbott

SUMMARY

1. The application seeks approval for the demolition of the existing Macleod Park sports pavilion which is within the Heritage Overlay and construction of a new double storey sports pavilion in the same location.
2. The proposal includes the removal of two council owned trees located within the reserve.
3. The proposal does not require planning permission under the zoning of the land in accordance with Clause 52.31 - Local Government Projects. As such, the assessment of this application is limited to the provisions of the Heritage Overlay.
4. The application was also exempt from public notification under the provisions of this same clause.
5. It is considered that the proposed works involved in the demolition of the existing pavilion and construction of a new double storey pavilion and associated vegetation removal are appropriate in the context of the Planning Policy Framework and the objectives of the Heritage Overlay.
6. The proposed upgrade of the sports pavilion will provide a community benefit as it will ensure that the local sporting clubs and associations who use the facility will be provided with new female friendly change facilities and improved umpire facilities, social rooms, and public amenities.
7. The proposed development incorporates several initiatives to ensure a sustainable development is achieved in line with Council's commitments and advocacy for environmental sustainability.
8. The upgraded facilities support Council's Recreation Plan 2017-2021 by providing improved recreation opportunities for people to be "physically active, socially connected and healthy as possible".
9. It is considered that the proposed should be supported.

RECOMMENDATION

That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a **Planning Permit** in respect of Application No. P1238/2022 for Demolition of the existing Macleod Park Pavilion and Development of a new Pavilion, and tree removal in the Heritage Overlay (HO158) subject to the following conditions:

Amended Plans

1. Before the development permitted by this permit commences, amended

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans submitted with the application but modified to show:

- (a) The results of Non-Invasive Root Investigation in accordance with Condition 9 of this permit or written consent from relevant railway authority agreeing to the removal of trees #4-9;
- (b) Amendments to the design and/or layout of the development in accordance with the recommendations of the Non-Invasive Root Investigation, as necessary. Compliance with this condition is only required if consent to remove the trees is not obtained;
- (c) The retention of trees #4-9 unless consent to remove the trees is obtained;
- (d) An Amended Landscape Plan in accordance with Condition 3 of this permit;
- (e) A Tree Protection and Management Plan in accordance with Condition 10 of this permit;
- (f) Tree Preservation Fencing in accordance with Condition 11 of this permit.

Layout Not to Be Altered

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

Landscape Plan

3. Before the development permitted by this permit commences, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Plan prepared by **Avor Architecture Pty Ltd** received on **10 February 2023** but modified to include:
 - (a) Amendments required by Condition 1 of this permit;
 - (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

site;

- (c) The proposed *Kunzea leptospermoides* substituted for *Callistemon* 'Kings Park' or similar to the satisfaction of the Responsible Authority;
- (d) *Acacia implexa* or similar be planted within each garden bed to the satisfaction of the Responsible Authority;
- (e) The proposed *Poa Labillardieri* substituted for *Lomandra longifolia* 'Tanika' and *Dianella Revoluta* or similar to the satisfaction of the Responsible Authority;
- (f) *Correa reflexa* and *Correa* 'Dusky Bells' or similar to be substituted into the planting scheme to the satisfaction of the Responsible Authority;
- (g) An indigenous and/or drought tolerant planting theme;
- (h) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (i) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, easements and existing trees;
- (j) Location and details of paving, steps, retaining walls, water tanks, fence design details and other landscape works including cut and fill as applicable;
- (k) Location of the telecommunication tower and this must be included in the legend;

Urban Design

- 4. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
- 5. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
- 6. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

Non-Invasive Root Investigation

7. Before the development permitted by this permit commences, a Non-Invasive Root Investigation is to be undertaken and must be submitted to and approved by the Responsible Authority. The Non-Invasive Root Investigation must be conducted by a suitably qualified arborist and must:
- (a) Identify the size and number of roots of Trees #4-9, to the depth of the planned works.
 - (b) Once works are completed, an Arboricultural report will need to be submitted to Council providing the results of the investigation. The report will need to include advice and recommendations which demonstrate how the tree will remain viable if works were to go ahead under the current plans, to the satisfaction of the Responsible Authority.

Tree Protection & Management Plan

8. Before the development permitted by this permit commences, a Tree Protection & Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The TPMP must be prepared by a suitably qualified arborist, including:
- (a) The management and maintenance of the Trees #1, #4, #5, #6, #7, #8, #9 and #10 during the demolition, construction and post construction phases of the development;
 - (b) A tree protection plan drawn to scale;
 - (c) All tree protection zones and structural root zones to be indicated on the plan;
 - (d) The design modifications and specific construction techniques set out in the Arborist Report by **Tim Chatfield** and dated **6 January 2023**;
 - (e) The types of footings used within tree protection zones which must also be indicated on the plans;
 - (f) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist;

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

- (g) The location/design of tree protection fencing for retained trees, mulching/ watering requirements and TPZ areas where ground protection systems will be used;
- (h) Tree removal methods for approved vegetation;
- (i) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 *Pruning of amenity trees*, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
- (j) Details regarding site access by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees;
- (k) Details and location of all underground services in relation to the TPZ of retained trees. Plans must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the responsible authority;
- (l) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority;
- (m) Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and are in accordance with the approved Tree Management Plan must be submitted to the responsible authority, to its satisfaction.

Tree Protection Zone

9. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including Trees #1, #4, #5, #6, #7, #8, #9 and #10 to the satisfaction of the Responsible Authority:

At least 14 days prior to commencement of works, you must submit a 'Statement of Compliance' (from a suitably qualified Arborist - AQF Level 5)

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

which must include photographic evidence of the installed TPZ requirements. Submission must be made to enquiries@banyule.vic.gov.au referencing the address and Planning Permit number.

Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by **Tim Chatfield** and dated **6 January 2023** or as follows:

- (a) Tree protection zone distances:
 - i. Tree #1- 6.6 metre radius from the centre of the tree base;
 - ii. Tree #4- 2.4 metre radius from the centre of the tree base;
 - iii. Tree #5- 3.6 metre radius from the centre of the tree base;
 - iv. Tree #6- 2 metre radius from the centre of the tree base;
 - v. Tree #7- 2 metre radius from the centre of the tree base;
 - vi. Tree #8- 7.8 metre radius from the centre of the tree base;
 - vii. Tree #9- 3.48 metre radius from the centre of the tree base;
 - viii. Tree #10- 8.88 metre radius from the centre of the tree base.

- (b) Tree protection zone measures are to be established in accordance to Australian Standard 4970-2009 and including the following:
 - i. Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet;
 - ii. Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319-1994;
 - iii. Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required;
 - iv. No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority;
 - v. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible;
 - vi. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority;
 - vii. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area;

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(P1238/2022) cont'd**

- viii. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times;
 - ix. For street trees, protection must be to the extent of the entire nature strip where the Calculated Tree Protection Zone (TPZ) occurs (not obstructing a footpath or cross-over);
 - x. For neighbouring trees, protection must be to the extent of the calculated Tree Protection Zone (TPZ) where it occurs within the subject Land;
 - xi. Ground protection must be laid down where access is required through a TPZ outside the fenced area detailed in (a). It must consist of a permeable membrane beneath a layer of mulch or crushed rock with rumble boards on top. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage. Ground protection must only be removed once all buildings and works have been completed;
 - xii. Once installed a TPZ must be maintained until the conclusion of all works on site, including landscaping to the satisfaction of the responsible authority;
- (c) During the construction of any buildings or works, the following tree protection requirements must be carried out to the satisfaction of the responsible authority.
- i. A suitably qualified project Arborist (AQF Level 5) must ensure that any pruning, root severance or buildings and works within a TPZ does not adversely impact the health and or stability of any retained tree now or into the future;
 - ii. Any tree pruning is to confirm to AS4373-2007 *Pruning of Amenity Trees*, all work is to be performed by a suitably qualified Arborist (AQF Level 3, minimum) and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the responsible authority;
 - iii. Any root severance within a TPZ must be undertaken by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with the Australian Standard AS4373-2007 *Pruning of Amenity Trees*, using sterilised, specialised tree root pruning equipment. There must be no root pruning within the SRZ of any tree. There must be no works undertaken within the TPZ other than those endorsed by the responsible authority;
 - iv. The project arborist, site manager and builders must ensure that all conditions relating to Tree Protection Measures are being adhered to throughout the entire building process, including site

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

demolition, levelling and landscape works;

No Damage to Vegetation

10. Except with the further written consent of the Responsible Authority, no vegetation (other than that indicated on the endorsed plan, or exempt from planning permission under the provisions of the Banyule Planning Scheme) shall be damaged, removed, destroyed or lopped.

Vegetation Retention

11. All existing vegetation shown on the endorsed plans for retention must be suitably marked and adequately protected before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the prior written consent of the Responsible Authority.

Drainage General

12. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority so as to prevent the discharge of stormwater from the subject land across any road or footpath or onto adjoining land.

Approved Drainage Outlet

13. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to a Council nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant Building Surveyor.
- (a) Any connection to Council's drainage system:
- (i) Within the road reserve must be carried out under a Memorandum of Consent for Works;
- (ii) Other than within a road reserve must be carried out under a Drainage Connection Permit.
- (b) This is to be carried out under Council supervision and to the satisfaction of the Responsible Authority.

Car Park

14. Areas set aside for the parking and movement of vehicles as shown on the endorsed plan(s) must be made available for such use and must not be used for any other purpose.

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

Expiry of permit

15. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two years of the date of this permit;
 - (b) The development is not completed within four years of the date of this permit.

Planning Permit Application:	P1238/2022
Development Planner:	Marcus Brooker
Address:	50 Chapman Street MACLEOD
Proposal:	Demolition of the existing Macleod Park Pavilion and tree removal in the Heritage Overlay (HO158) and development of a new pavilion.
Existing Use/Development:	Single storey sports pavilion
Applicant:	Avor Architecture Pty Ltd
Zoning:	Public Park and Recreation Zone (PPRZ)
Overlays:	Heritage Overlay (HO158) Land Subject to Inundation Overlay (LSIO) Special Building Overlay – Schedule 1 (SBO1) Specific Controls Overlay – Schedule 12 (SCO12) Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Notification (Advertising):	Exempt
Objections Received:	N/A
Ward:	Ibbott

PROPOSAL

- The application is seeking approval for the demolition of the existing Macleod Park Pavilion and construction of a new double storey pavilion in the same location, and associated tree removal. The new pavilion has a total building area

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

of 704.80m² and includes a female friendly change room and amenities in line with AFL and Cricket facility designs, the pavilion also includes a large social space with kitchen and bar on the first floor allowing for future commercial opportunities.

- The development will consist of four change rooms and one umpires' room at ground floor level with associated amenities spaces, as well as two store rooms and an entry foyer which contains stairs and a lift to the first floor. At first floor level there are male and female toilets and a disabled toilet and shower facility, a social room, a kitchen and bar, balcony that overlooks the oval, timekeeper's office and storage room.
- The design of the development incorporates a mix of materials and a varied colour palate, this includes austral bricks, pearlescent windows and doors, iron ash timber-look cladding, dulux white panelling and colorbond roofing.
- Approval is also sought for the removal of Trees #2 and #3 (Lombardy Poplars) to facilitate this development.

BACKGROUND

- Details of previous planning applications for this site are as follows:

Planning Permit	Authorises:
P335/2002 issued on 22 October 2002	Construction of a telecommunications tower.

SUBJECT SITE AND SURROUNDING AREA

Site area	48785m ²
Topography	The subject site is generally flat in the area of the proposed works, there is a slight slope to the south from the area of the proposed works but this is minor. In general the entire site is flat, however, there is a significant drop to the eastern and southern sides of the oval.
Existing and Neighbouring Vegetation	<p>The subject site is lined with trees along the western boundary where the site abuts the rail reserve. These trees vary in height and size between small and large trees. There is also a dense canopy cover along the southern and eastern sides of the oval, this stretches to the north of the site between Aberdeen Road and the tennis courts. These trees are generally medium to large in size.</p> <p>The reserve to the south on the opposite side of Chapman Street also provides a dense canopy cover with medium to large canopy trees present. The extent of canopy cover reduces significantly to the east of the site in the residential areas, while there is a denser canopy cover in the residential areas further west of the site.</p>

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

<p>Existing Building</p>	<p>The existing building is an existing sports pavilion, this pavilion is single storey with one small section of the building providing a second storey element in the mid-section. The building is constructed from a mix of grey brick and brown brick, with sections of cement render.</p>
<p>Easements</p>	<p>There is a 20.12m wide easement along the southern boundary of the reserve which does not affect the area of the proposed works. There are also two other easements located on the eastern side of the oval which do not affect the area of the proposed works.</p>

Locality Plan



PUBLIC NOTIFICATION

- In accordance with Clause 52.31-2 Local Government Projects, the application meets all of the relevant exemptions for public notice in accordance with this Clause and, as such, was not advertised.

REFERRAL COMMENTS

External	Objection?	Conditions /Comments
Level Crossing Removal Authority	No	During the application process the Level Crossing Removal Authority provided correspondence to Council outlining that they have no objection to the application, however,

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

		requested a permit note be added to any permit issued.
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Department/ Officer	Conditions /Comments
Development Planning Arborist	Council's Developments Planning Arborist supports the application subject to conditions relating to the protection of third-party trees, including the submission of a Non-Invasive Root Investigation prior to the commencement of works or obtaining written consent from the relevant railway authority for the removal of trees within the rail reserve.
Heritage Consultant	Council's Heritage Advisor supports the application on the basis that the proposed new pavilion and associated vegetation removal will continue to support the significant ongoing use of the park for recreational sporting activities. The demolition of the existing pavilion is acceptable as the building is not significant to the heritage place, the heritage significance of the site lies with the use of the land as a park and for sporting activities rather than the built form of this building.
Landscape Consultant	Council's Landscape Consultant supports the application subject to conditions pertaining to the substitution of species to enhance public safety and promote better landscaping outcomes.

PLANNING CONTROLS

- The planning controls applicable to the site are outlined in Table 1 below:

Table 1: Applicable Planning Controls

Control	Clause	Permit Triggered
Public Park and Recreation Zone (PPRZ)	36.02	No
Heritage Overlay – Schedule 158 (HO158)	43.01	Yes
Land Subject to Inundation Overlay (LSIO)	44.04	No
Special Building Overlay – Schedule 1 (SBO1)	44.05	No
Specific Controls Overlay – Schedule 12 (SCO12)	45.12	No
Development Contribution Plan Overlay – Schedule 1 (DCPO1)	45.06	N/A
Car Parking	52.06	No
Native Vegetation	52.17	No

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

POLICIES CONSIDERED

Table 2: Relevant Planning Scheme Policy

Policy	Clause
Local Planning Policy Framework (LPPF)	
Settlement	02.03-1
Natural Environment	02.03-2
Safer Design	02.03-4
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Environmentally Sustainable Design	15.01-2L-02
Heritage Conservation	15.03-1L

TECHNICAL CONSIDERATION

- Council must consider the response to the heritage values of the site, the proposed vegetation impacts and landscaping outcome, car parking and the Environmentally Sustainable Development initiatives.

Heritage Impacts

- The proposed development will ensure that the Macleod Park is preserved and enhanced as a social value to the local community and will ensure that the site continues as an important hub around which community life centres.
- The proposed removal of vegetation as part of the proposed development will not detract from the aesthetic value of Macleod Park. The extent of tree and vegetation removal in the context of Macleod Park overall is considered to be minor and this removal is unlikely to diminish the aesthetic value of the site.
- The development does not propose the removal of any River Red Gums which are of scientific and environmental significance due to the location of these trees along the small natural creek situated within Macleod Park which supports a functioning wildlife corridor. Therefore, the development will conserve the environmental heritage values of the site.
- It is considered that the proposed development will support the ongoing use of Macleod Park for recreational sporting activities.
- The proposed design of the pavilion and the materials proposed to be incorporated into the development are considered appropriate from a Heritage perspective.

Car Parking

- There will not be a loss of car parking spaces on site as a result of the proposed development and no change proposed to the existing car parking arrangement.
- No additional car parking spaces are required as the development is not expected to generate any further intensification of the use of the land, rather to improve the facilities for the existing intensity of use of the land.

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

Vegetation Impacts

- Trees #2 and #3 are located within the Council reserve and are identified as Lombardy Poplars. Tree #3 is located on the property boundary and is shared in ownership with the rail reserve. They are low retention value in poor condition and should be removed. Their removal is supported by the Urban Forestry Team.
- Trees #4 - #9 are third party trees, they are weed species and are located within the railway reserve to the west of the development area. As they are third-party trees appropriate protection of these trees is required through the construction process.
- A Non-Invasive Root Investigation is to be undertaken prior to commencement of works in relation to Trees #4-9. This investigation will identify the size and number of roots in the location of the proposed works, and to the depth of the proposed works. If significant roots are encountered, then approved tree sensitive non-destructive footing design to the satisfaction of the Responsible Authority will be required.
- Alternative to a Non-Invasive Root Investigation, it is considered that an appropriately worded condition of permit is placed on any approval issued indicating that the permit holder has an option to seek permission from the railway authority to remove Trees #4-9.
- Tree #10 is a mature long leaf box (*Eucalyptus Goniocalyx*) located to the north of the proposed development. The tree is unlikely to be impacted by the proposed works as there is no encroachment proposed and the tree is proposed to be retained. Standard tree protection conditions are recommended for this tree.

Landscaping

- It is considered that the recommended changes provided by Council's Landscape Consultant should be adopted as conditions of permit.
- The changes that have been recommended include changes to proposed species to promote better vegetation growth, improved visual amenity and to enhance public safety and surveillance.

Environmentally Sustainable Development (ESD)

- The proposed development incorporates a number of ESD initiatives to support Councils commitments to climate action, including:
 - Bicycle parking;
 - EV charging stations;
 - Rainwater tanks, water efficient fixtures, fittings and appliances;
 - Low VOC materials and finishes;
 - Energy efficient lighting and hot water services;
 - Thermal insulation in walls, floors and ceilings;
 - High level of glazing systems to provide thermal comfort;

**50 CHAPMAN STREET, MACLEOD - NEW MACLEOD PARK PAVILION
(P1238/2022) cont'd**

- Recycled content in construction materials such as concrete and plaster, and,
- Renewable energy systems such as solar panels with battery provision.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- It is considered that the subject matter does not raise any human rights issues.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

CONCLUSION

- The proposed demolition of the existing pavilion, construction of a new pavilion and associated vegetation removal, is considered to provide an appropriate level of compliance with the Planning Policy Framework and the planning overlays that affect the site. It is considered that the proposed development will provide a community benefit by upgrading the existing pavilion and facilities within the reserve whilst conserving the heritage values of the park. For these reasons, it is considered that the proposal should be supported.

ATTACHMENTS

N	Title	Page
○		
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1	Application Plans	
		

7.1 19A STEWART TERRACE, MACLEOD - PROPOSED SALE OF LAND

Author: Gary Mills - Senior Property Officer, City Development

Ward: Ibbott

SUMMARY

1. Council owns the parcel of land known as 19A Stewart Terrace, Macleod highlighted in Figure 1 ('the Land'). The Land is currently occupied by the owners of 19 Stewart Terrace, Macleod.
2. The Land described as Lot C on TP7887A and contained on Certificate of Title Volume 11159 Folio 144 is situated at the rear of 19 Stewart Terrace, Macleod.
3. It is proposed to sell the Land to the owners of 19 Stewart Terrace, Macleod by private treaty.
4. Council has undertaken statutory procedures pursuant to sections 55 and 114 of the *Local Government Act 2020* ('the Act') giving notice of its intention to sell the Land by private treaty.
5. There were no public submissions received.
6. Council has completed statutory procedures under section 114 of the *Local Government Act 2020* ('the Act') regarding the proposal and can now decide whether or not to sell the Land.
7. The owners of 19 Stewart Terrace, Macleod have agreed to purchase the Land at valuation.

RECOMMENDATION

That Council:

1. Having not received any written submissions to the proposal, resolves to sell the Council Land known as 19A Stewart Terrace, Macleod described as Lot C on TP7887A and contained on Certificate of Title Volume 11159 Folio 144 to the owners of 19 Stewart Terrace, Macleod by private treaty, in accordance with sections 114 and 55 of the *Local Government Act 2020*.
2. Authorises the Chief Executive Officer or their delegate to execute all associated documents to affect the transfer of the Land.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan strategy to "Provide responsible management of resources to ensure the financial sustainability of Banyule Council".

19A STEWART TERRACE, MACLEOD - PROPOSED SALE OF LAND cont'd

BACKGROUND

- The Land known as 19A Stewart Terrace, Macleod described as Lot C on TP7887A and contained on Certificate of Title volume 11159 folio 144 is surplus to Council requirements.
- The Land formed part of a drainage reserve, the reserve status subsequently removed, vested in Council under section 569BA of the *Local Government Act 1958*, and was substantially sold off in the 1970s.



Figure 1: Council land to be sold by private treaty

KEY ISSUES

- The Land is situated at the rear of 19 Stewart Terrace, Macleod. Most of the Land has been incorporated within the property for several decades.
- The Land is surplus to Council needs.
- The owners have applied to purchase the Land and agreed to Council terms and conditions including purchasing the Land at valuation.
- The Land contains Council drainage assets and will be encumbered with a drainage easement. The Land is not developable and can only be used for garden/landscaping.

SUPPORTING REPORT DETAILS

Legal Consideration

- Council is acting in accordance with sections 114 and 55 of the *Local Government Act 2020* to sell the Land.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

19A STEWART TERRACE, MACLEOD - PROPOSED SALE OF LAND cont'd

- It is considered that the subject matter does not raise any human rights issues.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

Financial Implications

- Council has obtained a valuation of \$26,500 (plus GST) for the land comprising approximately 99m². The adjoining owners have agreed to purchase the land for \$26,500 (plus GST) plus Council's expenses expediting the sale.

Community Engagement

- Community engagement has been undertaken in accordance with Council's Community Engagement Policy and Plans.
- Notice of Intention to sell the Council Land was published on Council's website from 13 March 2023 to 11 April 2023 advising of the proposal and inviting written submissions. Letters were served on nearby property owners. The submission period closed on 11 April 2023.
- No written public submissions were received.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract who provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

ATTACHMENTS

Nil