Ordinary Meeting of Council

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

9 October 2023 7pm

ATTACHMENTS UNDER SEPARATE COVER

3.3	Instrument of L	Instrument of Delegation from Council to Members of Council Staff			
	Attachment 1.	S6 Instrument of Delegation from Council to Members of Council Staff - Proposed			
3.6	Proposed position on MAV State Council Meeting Motions - 13 October 2023 MAV State Council Meeting				
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5.1	Urban Forest S	trategy 2022-2032			
	Attachment 3.	Draft Urban Forest Strategy - Background Technical Report - 2023 - 2033			



Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

- delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule.
- 2. record that references in the Schedule are as follows:

Reference	Means position held within Council
All D	All Directors
AL	<u>Advocacy Lead</u>
<u>AMC</u>	Asset Management Coordinator
APS	Asset Protection Supervisor
BSIRO	Business Support and Infringement Review Officer (Municipal Laws)
CA	Capital Accountant
CAC	<u>City Assets Coordinator</u>
CAEC Communications, Advocacy and Engagement Coordinator	
CAECS <u>CASO</u>	Cemetery Administrator and Support Officer/Executive & Councillor Support
CBO Council Business Officer	
CC Communications Coordinator	
CEC	Community Engagement Coordinator
CEO	Chief Executive Officer (Including Interim or Acting)
СМРІ	Construction Management Permit & Inspections Officer
СРО	Cemetery Project Officer
CRHC	Community Resilience and Health Coordinator
CRL	Community Resilience Lead
CRO	Corporate Reporting Officer

Reference	Means position held within Council	
CRMO	Councillor Request Management Officer	
SPUD	Coordinator Strategic Planning and Urban Design	
CWC	Capital Works Coordinator	
DACS	Director of Assets & City Services	
DCD	Director of City Development	
DCPO	Development Contributions Plan Officer	
DCS	Director of Corporate Services	
DCW	Director of Community Wellbeing	
DP .	Development Planner	
DPA	Development Planning Arborist	
DPC	Development Planning Coordinator	
DPTL	Development Planning Team Leader	
EHO	Environmental Health Officer	
GIC	Governance and Integrity Coordinator	
GCBS <u>LO</u>	Governance and Council Business Specialist Officer_Lead	
GCSO	Governance Customer Support Officer	Formatted Table
GFIO .	Governance and Freedom of Information Officer	
IPO	Integrated Planning Officer	
IPPC	Integrated Planning and Performance Coordinator	
LEO	Litter Enforcement Officer	
MACEP	Manager Advocacy Communication Engagement & Performance	
MBS	Municipal Building Surveyor	
MCF	Manager City Futures	
MCGC	Manager Corporate Governance and Communication	
MDA	Manager Delivery & Assets	
MDP	Major Developments Planner	
MFCS	Manager Family and Community Services	
MFP	Manager Finance and Procurement	
MFPO	Municipal Fire Prevention Officer	
MGI_	Manager Governance & Integrity	

Reference	Means position held within Council			
MLPAC	Municipal Laws and Public Assets Coordinator			
MLO	Municipal Laws Officer			
МО	Manager Operations			
MPBL	Manager Planning, Building and Laws			
MPNE	Manager Parks & Natural Environment			
MRCC	Manager Resilient and Connected Communities			
МНАС	Manager Healthy and Active Communities			
MT <u>D</u> E	Manager Traffic, <u>Development</u> and Environment			
OIC	Operations Infrastructure Coordinator			
PHPL	Public Health Protection Lead			
PHPTL	Public Health Protection Team Leader			
PIO	Planning Investigations Officer			
PRO	O Planning Resources Officer			
PTO	Planning Technical Officer			
SBSO	Senior Business Support Officer (Municipal Laws)			
SCMO	Senior Construction Management Officer			
<u>SGO</u>	Senior Governance Officer			
SP	Strategic Planner			
SP	Student Planner			
SPRO	Senior Planning Resources Officer			
SSP	Senior Strategic Planner			
STTE	Senior Traffic and Transport Engineer			
T <u>D</u> EC	Transport and Development Engineering Coordinator			
THO Technical Health Officer				
TLAPWS Team Leader Asset Protection & Works Superintendent				
TLML	Team Leader Municipal Laws			
TTE	Traffic and Transport Engineer			
TTTL	Traffic and Transport Team Leader			
WMC	Waste Management Coordinator			

3 declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 29 May 2023-9 October **2023** and
- 3.2 the delegation:
 - 3.2.1 comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor and affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and 4, and 5 in the Schedule; and
 - $3.2.4 \quad \text{must be exercised in accordance with any guidelines or policies which Council from time to time} \\$ adopts; and
- the delegate must not determine the issue, take the action or do the act or thing:
 - $3.3.1 \quad \text{if the issue, action, act or thing is an issue, action or thing which Council has previously} \\$ $designated \ as \ an \ issue, \ action, \ act \ or \ thing \ which \ must \ be \ the \ subject \ of \ a \ Resolution \ of \ Council;$
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - a) policy; or
 - b) strategy
 - adopted by Council;
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee
- 4. That the following 'triggers' be used by all planning officers to refer those applications which fall into the following categories to the Manager Planning, Building & Laws, Development Planning Coordinator, Team Leader Development Planning or Major Developments Planner for a decision:

An application which:

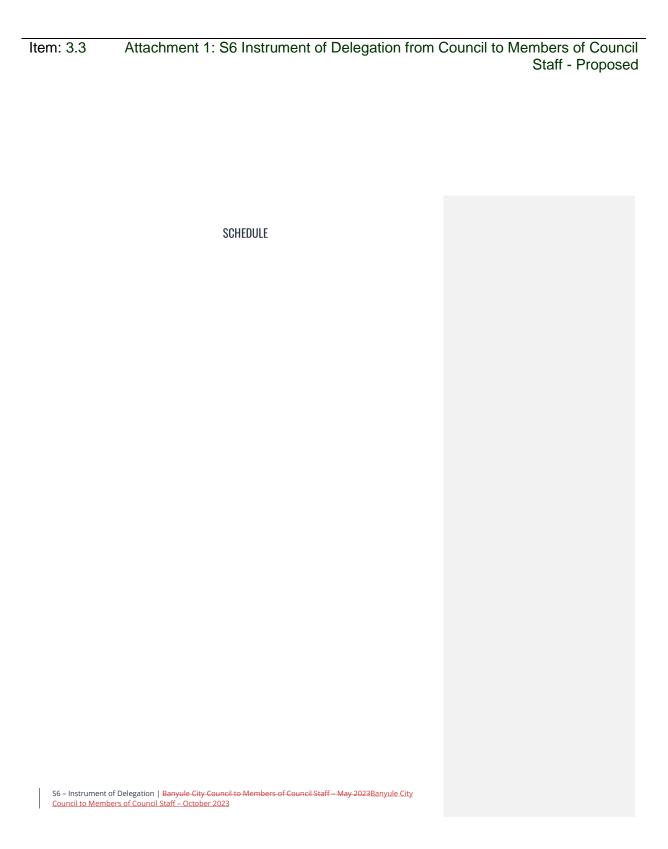
- After advertising has received more than 5 objections;
- Raises issues of policy that should be discussed (strategic or substantive policy issues);
- · Raises matters of community sensitivity
- 5. That the following 'triggers' be used by the Manager to refer those applications which fall into the following categories to the Council for final decisions on applications:
 - When a Councillor requests ('calls it in'):
 - When the officer considers it appropriate to refer;
 - Where the matters are of such strategic or policy importance that they require a change of policy or strategy to be approved or are of major contention and/or require broad public debate

Signed by the Chief Executive Officer of Banyule City Council.

)Allison Beckwith

Item: 3.3 Attachment 1: S6 Instrument of Delegation from Council to Members of Council Staff - Proposed

Signed by the Mayor of Banyule City Council.))Cr Peter Castaldo	
Date of execution:		
S6 – Instrument of Delegation Banyule City Cou Council to Members of Council Staff – October 20	uncil-to Members of Council Staff – May 2023Banyule City 123	



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CEMETERIES AND CREMATORIA ACT 2003

##The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its functions	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)	Not applicable	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	Not applicable	Where Council is a Class A cemetery trust

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 15(4)	Duty to keep records of delegations	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 17(1)	Power to employ any persons necessary	NOT DELEGATEDNOT delegated	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 17(3)	Power to determine the terms and conditions of employment or engagement	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	Not applicable	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	Not applicable	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	Not applicable	Where Council is a Class A cemetery trust

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	Not applicable	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	Not applicable	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	Not applicable	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	Not applicable	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	Not applicable	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	Not applicable	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	Not applicable	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2)	Not applicable	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	Not applicable	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	Not applicable	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	Not applicable	Where Council is a Class A cemetery trust

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	Not applicable	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	Not applicable	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	Not applicable	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	Not applicable	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	Not applicable	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	Not applicable	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	
s 20(1)	Duty to set aside areas for the interment of human remains	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	Not delegated	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	NOT DELEGATEDNOT delegated	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	NOT DELEGATEDNOT delegated	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	NOT APPLICABLENOT applicable	Provided the street was constructed pursuant to the Local Government Act 2020
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60(1)	Duty to make information in records available to the public for historical or research purposes	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 60(2)	Power to charge fees for providing information	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	
s 64B(d)	Power to permit interments at a reopened cemetery	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	NOT DELEGATEDNOt delegated	The application must include the requirements listed in s 66(2)(a)–(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 70(2)	Duty to make plans of existing place of interment available to the public	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 71(2)	Power to dispose of any memorial or other structure removed	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 72(2)	Duty to comply with request received under s 72	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 73(1)	Power to grant a right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 73(2)	Power to impose conditions on the right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 74(3)	Duty to offer a perpetual right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 80(2)	Function of recording transfer of right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84H(4)	Power to exercise the rights of a holder of a right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	
s 84I(6)(a)	Power to remove any memorial on the place of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84I(6)(b)	Power to grant right of interment under s 73	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	Does not apply where right of internment relates to remains of a deceased veteran.
s 85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; Remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	NOT DELEGATEDNOT delegated	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment.
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	NOT DELEGATEDNOt delegated	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment	NOT DELEGATEDNOt delegated	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	NOT DELEGATEDNOt delegated	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	NOT DELEGATEDNot delegated	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	NOT DELEGATEDNOT delegated	
s 86(5)	Duty to provide notification before taking action under s 86(4)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 91(1)	Power to cancel a right of interment in accordance with s 91	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	
s 91(3)	Duty to publish notice of intention to cancel right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 100(1)	Power to require a person to remove memorials or places of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 100(3)	Power to recover costs of taking action under s 100(2)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	NOT DELEGATEDNOt delegated	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	NOT DELEGATEDNOt delegated	
s 103(1)	Power to require a person to remove a building for ceremonies	NOT DELEGATEDNOt delegated	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 103(3)	Power to recover costs of taking action under s 103(2)	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 108	Power to recover costs and expenses	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 109(1)(a)	Power to open, examine and repair a place of interment	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	Where the holder of right of interment or responsible person cannot be found

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 112	Power to sell and supply memorials	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 119	Power to set terms and conditions for interment authorisations	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
s 131	Function of receiving an application for cremation authorisation	NOT APPLICABLE <u>Not</u> delegated	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	NOT APPLICABLENOT delegated	Subject to s 133(2)

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	NOT DELEGATED not delegated	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	NOT DELEGATEDNOT delegated	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO,	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 151	Function of receiving applications to inter or cremate body parts	CEO, ALL D, MCGC;MGI GC;GIC, CBO, GFIOSGO, GCBSO;GCBSL, GCSO;CRMO, CAECSCASO, CPO.	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO.	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	NOT DELEGATEDNOt delegated	
sch 1 cl 8(8)	Power to regulate own proceedings	NOT DELEGATE not delegated D	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	NOT APPLICABLENOT delegated	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	NOT APPLICABLENOT delegated	Where Council is a Class A cemetery trust Subject to cl 8

DOMESTIC ANIMALS ACT 1994

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	DCD, MPBL,	Council may delegate this power to a Council authorised officer
		DPC, MLPAC,	
		MLO, TLML	

FOOD ACT 1984

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	PHPL, PHPTL,PHPTL, EHO DCW, MRCC, CRHC	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	Power to register or renew the registration of a food premises	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	PHPL, PHPTL,PHPTL, DCW, MRCC, CRHC	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	PHPL, PHPTL EHO, DCW, MRCC, CRHC	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40D(1)	Power to suspend or revoke the registration of food premises	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
s 40F	Power to cancel registration of food premises	PHPL, PHPTL,PHPTL, DCW, MRCC, CRHC	Where Council is the registration authority
s 43	Duty to maintain records of registration	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	PHPL, PHPTL,PHPTL,EH O, DCW, MRCC, CRHC	Where Council is the registration authority
s 45AC	Power to bring proceedings	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	PHPL, PHPT, EHO, DCW, MRCC, CRHC	Where Council is the registration authority



HERITAGE ACT 2017

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DCD, MPBL, DPC	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

LOCAL GOVERNMENT ACT 1989

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO1	

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

S6 - Instrument of Delegation | Banyule City Council to Members of Council Staff - May 2023Banyule City Council to Members of Council Staff - October 2023

PLANNING AND ENVIRONMENT ACT 1987

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, DCD, MPBL, DPC, MCF <u>, CSPUD</u>	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO, DCD, MPBL, DPC, DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, MCF, CSPUD, SSP, SP DPA	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements	CEO, DCD, MPBL, DPC, DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, DPA MCF, CSPUD, SSP, SP	
s 4I(2)	Duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CEO, DCD, MPBL, DPC, DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, DPA MCF, CSPUD, SSP, SP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure coordination of planning scheme with these persons	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	
s 12B(1)	Duty to review planning scheme	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, DCD, MPBL, DPC, DPTL, DP, MDP, PTO, DPA, PIO, MCF, DPTL, CSPUD, SSP, SP	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, DCD, MPBL, DPC, DPTL, DP, MDP. PTO, DP, MCF, DPTL, CSPUD, SSP, SP	
s 17(2)	Duty of giving copy s 173 agreement	CEO, DCD, MPBL, DPC, DPTL, DP, MDP, PTO, DP, MCF, DPTL, CSPUD, SSP, SP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, DCD, MPBL, DPC, DPTL, DP, MDP. PTO, DP, MCF, DPTL, CSPUD, SSP, SP	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, DCD, MPBL, DPC, DPTL, DP, MDP, PTO DP, MCF, DPTL, CSPUD, SSP, SP	Until the proposed amendment is approved or lapses

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, DCD, MPBL, DPC, DPTL, DP, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DCD, MPBL, DPC,	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or
		DPTL, DP, MDP, PTO DP, MCF, DPTL, CSPUD, SSP, SP	Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, DCD, MPBL, DPC, DPTL, DP, MDP, MCF, DPTL, CSPUD, SSP, SP	Where Council is a planning authority
s 20(4)	Power to request Minister to prepare an amendment with exemption from notice	CEO, DCD, MPBL, DPC, DP, MCF, DPTL, CSPUD, SSP, SP	
s 20A(4)(a)	Power to request Minister to prepare a planning scheme amendment	CEO, DCD, MPBL, DPC, DPTL, DP, MDP MCF, DPTL, CSPUD, SSP, SP	
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, DCD, MPBL, DPC, DPTL, DP, MDP, MCF, DPTL, CSPD, SSP, SP	Until the end of 2 months after the amendment comes into operation or lapses

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 21A(4)	Duty to publish notice	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, DCD, MPBL, DPC, DPTL, MDP. DP, MCF, DPTL, CSPD, SSP, SP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DCD, MPBL, DPC, DPTL, MDP, -DP, MCF, DPTL, CSPUD, SSP, SP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, DCD, MPBL, DPC, DPTL, MDP, -DP, MCF, DPTL, CSPUD, SSP, SP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 30(1)(ii)	Power to request Minister to allow a longer period for adoption of the amendment	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, DCD, MPBL, DPC, <u>DPTL, MDP, D</u> P, MCF, DPTL, CSPD, SSP, SP	
s 32(2)	Duty to give more notice if required	CEO, DCD, MPBL, DPC, <u>DPTL, MDP, DP,</u> MCF, DPTL, CSPUD, SSP, SP	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, DCD, MPBL, DPC, <u>DPTL, MDP, DP,</u> MCF, DPTL, CSPUD, SSP, SP	
s 36(2)	Duty to give notice of approval of amendment	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	

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5	s 38(5)	Duty to give notice of revocation of an amendment	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
5	s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
5	s 40(1)	Function of lodging copy of approved amendment	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
5	s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
5	s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	
5	s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CEO, DCD, MPBL, DPC, DPTL, MDP, DP, MCF, DPTL, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with	CEO, DCD, MCF, MPBL, DPC,	Where Council is a responsible public entity and is a planning authority
	anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	<u>CSPUD</u>	Note: this provision is not yet in $force_{\tau}$ and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	Not Delegated	Where Council is a responsible public entity
			Note: this is not relevant to Banyule City Council
s 46AX	Function of receiving a draft Statement of Planning Policy	Not Delegated	Where Council is a responsible public entity
	and written direction in relation to the endorsement of the draft Statement of Planning Policy		Note: this is not relevant to Banyule City Council
	Power to endorse the draft Statement of Planning Policy		
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	Not Delegated	Where Council is a responsible public entity
			Note: this is not relevant to Banyule City Council
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	Not Delegated	Where Council is a responsible public entity
			Note: this is not relevant to Banyule City Council
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Not Delegated	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
			Note: this is not relevant to Banyule City Council
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	Not Delegated	Note: this is not relevant to Banyule City Council

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GP	Function of receiving a notice under s 46GO	Not Delegated	Where Council is the collecting agency
			Note: this is not relevant to Banyule City Council
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GR(2)	Power to consider a late submission	Not Delegated	Note: this is not relevant to Banyule City Council
	Duty to consider a late submission if directed to do so by the Minister		
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	Not Delegated	Note: this is not relevant to Banyule City Council

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	Not Delegated	Note: this is not relevant to Banyule City Council
46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	Not Delegated	Where Council is the collecting agency Note: this is not relevant to Banyule City Council
46GV(3)(b)	Power to enter into an agreement with the applicant	Not Delegated	Where Council is the collecting agency Note: this is not relevant to Banyule City Council
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Not Delegated	Where Council is the development agency Note: this is not relevant to Banyule City Council
46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	Not Delegated	Where Council is the collecting agency Note: this is not relevant to Banyule City Council
46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Not Delegated	Note: this is not relevant to Banyule City Council
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	Not Delegated	Where Council is the collecting agency Note: this is not relevant to Banyule City Council
3 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Not Delegated	Where Council is the collecting agency Note: this is not relevant to Banyule City Council

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	Not Delegated	Where Council is the collecting agency Note: this is not relevant to Banyule City Council
s 46GY(1)	Duty to keep proper and separate accounts and records	Not Delegated	Where Council is the collecting agency Note: this is not relevant to Banyule City Council
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	Not Delegated	Where Council is the collecting agency Note: this is not relevant to Banyule City Council
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority Note: this is not relevant to Banyule City Council
s 46GZ(2)(a)	Function of receiving the monetary component	Not Delegated	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency Note: this is not relevant to Banyule City Council
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency Note: this is not relevant to Banyule City Council
s 46GZ(2)(b)	Function of receiving the monetary component	Not Delegated	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency Note: this is not relevant to Banyule City Council

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan Note: this is not relevant to Banyule City Council
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant
	infrastructure contributions plan to that development agency		development agency Note: this is not relevant to Banyule City Council
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	Not Delegated	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	Not Delegated	Note: this is not relevant to Banyule City Council Where Council is the collecting agency under an approved infrastructure contributions plan Note: this is not relevant to Banyule City Council
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	Not Delegated	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan
			This duty does not apply where Council is also the development agency Note: this is not relevant to Banyule City Council

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(9)	Function of receiving the fee simple in the land	Not Delegated	Where Council is the development agency under an approved infrastructure contributions plan
			This duty does not apply where Council is also the collecting agenc
			Note: this is not relevant to Banyule City Council
s 46GZA(1)	Duty to keep proper and separate accounts and records	Not Delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	Not Delegated	Where Council is a development agency under an approved infrastructure contributions plan
			Note: this is not relevant to Banyule City Council
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	Not Delegated	Where Council is a development agency under an approved infrastructure contributions plan
			Note: this is not relevant to Banyule City Council
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the	Not Delegated	If the VPA is the collecting agency under an approved infrastructure contributions plan
	development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA		Where Council is a development agency under an approved infrastructure contributions plan
			Note: this is not relevant to Banyule City Council
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to	Not Delegated	Where Council is the development agency under an approved infrastructure contributions plan
	follow the steps set out in s 46GZD(2)(a) and (b)		Note: this is not relevant to Banyule City Council
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
			Note: this is not relevant to Banyule City Council

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
			Note: this is not relevant to Banyule City Council
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if	Not Delegated	Where Council is the development agency under an approved infrastructure contributions plan
	any part of a land equalisation amount paid or forwarded		This duty does not apply where Council is also the collecting agency
	to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires		Note: this is not relevant to Banyule City Council
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
			This duty does not apply where Council is also the development agency
			Note: this is not relevant to Banyule City Council
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
			Note: this is not relevant to Banyule City Council
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use	Not Delegated	Where Council is the development agency under an approved infrastructure contributions plan
	the public purpose land for a public purpose approved by the Minister or sell the public purpose land		Note: this is not relevant to Banyule City Council
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	Not Delegated	Where Council is the development agency under an approved infrastructure contributions plan
			Note: this is not relevant to Banyule City Council
s 46GZF(3)	Function of receiving proceeds of sale	Not Delegated	Where Council is the collection agency under an approved infrastructure contributions plan
			This provision does not apply where Council is also the development agency
			Note: this is not relevant to Banyule City Council

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan Note: this is not relevant to Banyule City Council
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan Note: this is not relevant to Banyule City Council
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Not Delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Not Delegated	Where Council is a collecting agency or development agency Note: this is not relevant to Banyule City Council
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Not Delegated	Where Council is a collecting agency or development agency Note: this is not relevant to Banyule City Council
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, <u>DCDCDC</u> , MPBL, DPC, MCF	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, DCD, MPBL, DPC, -DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, DPA	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, DCD, MPBL, DPC, -DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, DPA	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DCD, MPBL, DPC, -DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, DPA	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, DCD, MPBL, DPC, -DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, DPA, DCPO, MBS	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DCD, MPBL, DPC, -DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, DPA DCPO, CA	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, DCD, MPBL, DPC, -DP, SP, PRO, SPRO, DPTL, PTO, PIO, MDP, DPA	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DCD, MPBL, DPC, DPTL, DP, MDP MCF, CSPUD, SSP, SP	
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DCD, DCS, MFP, MPBL, DPC, DCPO, CA	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	CEO, DCD, DCS, MFP, MPBL, DPC, MCF, DCPO, CA	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, DCD, MPBL, DPC, DP, DPTL, PTO, MDP MCF, CSPUD, SSP, SP, DCPO	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, ALL D, MFP, MPBL, DPC, MCF, DCPO, CA	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, ALL D, MFP, MPBL, DPC, MCF	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister.
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, DCD, MPBL, DPC, MCF, CSPUD, MFP	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, ALL D, , MPBL, DPC, MCF	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, ALL D, MPBL, DPC, MCF, MFP	
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DCD, MCF, MPBL, DPC, MFP, FPPC, DCPO	Where Council is a collecting agency or development agency

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	Not Delegated	Note: not relevant to Banyule City Council
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s197B of the Act and on payment of the prescribed fee, after the inspection period	Not Delegated	Note: not relevant to Banyule City Council
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	Not Delegated	Note: not relevant to Banyule City Council
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	Not Delegated	Note: not relevant to Banyule City Council
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, ALL D, MPBL, DPC, MCF	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, DCD, MPBL, DPC, DP, DPTL, <u>MDP.</u> <u>PTODPC</u> -MCF, CSPUD, SSP, SP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, DCD, MPBL, DPC, DP, DPTL, PTO, PRO, SPRO, MDP MCF, CSPUD, SSP, SP	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, DCD, MPBL, DPC, DP, DPTL, PTO, PRO, SPRO, MDP MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50(4)	Duty to amend application	CEO, DCD, MPBL, DPC, DP, DPTL, PTO, PRO, SPRO, MDP MCF, CSPUD, SSP, SP	
s 50(5)	Power to refuse to amend application	CEO, DCD, MPBL, DPC, DPTL, DP, MDP MCF, CSPUD, SSP, SP	
s 50(6)	Duty to make note of amendment to application in register	CEO, DCD, MPBL, DPC, DP, DPTL, PTO, PRO, SPRO, MDP MCF, CSPUD, SSP, SP	
s 50A(1)	Power to make amendment to application	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO MCF, CSPUD, SSP, SP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO MCF, CSPUD, SSP, SP, DPC	
s 50A(4)	Duty to note amendment to application in register	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO MCF, CSPUD, SSP, SP, DPC	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA MCF, CSPUD, SSP, SP, SPRO	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA MCF, CSPUD, SSP, SP, SPRO	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA MCF, CSPUD, SSP, SP, SPRO	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, DCAD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, DCAD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, DCAD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, DCAD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, DCAD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 54(1)	Power to require the applicant to provide more information	CEO, DCAD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, DCAD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 54(1B)	Duty to specify the lapse date for an application	CEO, DCAD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, DPA. MCF, CSPUD, SSP, SP, SPRO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP. DPA, MCF, CSPUD, SSP, SP, , SPRO, PRO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP MCF, CSPUD, SSP, SP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57A(5)	Power to refuse to amend application	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 57A(6)	Duty to note amendments to application in register	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO, DPA, MCF, CSPUD, SSP, SP, SPRO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 58	Duty to consider every application for a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	In line with condition 4
s 58A	Power to request advice from the Planning Application Committee	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP MCF, CSPUD, SSP, SP	In line with condition 4
s 60	Duty to consider certain matters	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	In line with condition 4
s 60(1A)	Duty to consider certain matters	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	In line with condition 4
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA MCF, CSPUD, SSP, SP	In line with condition 4
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 In line with condition 4

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	In line with condition 4
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	In line with condition 4
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not delegated	Not relevant to Banyule City Council
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	In line with condition 4
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 62(2)	Power to include other conditions	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, MPBL, DPC, DPTL, DP, MDP, PTO MCF, CSPUD, DPC	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, MPBL, DPC, <u>DPTL</u> , <u>DP</u> , <u>MDP</u> , <u>PTO</u> MCF, CSPUD , DPC	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, DCD, MPBL, DPC, MCF	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, DCD, MPBL, DPC, MCF	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP. DPA. MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA,-MCF, CSPUD, SSP, SP	This provision applies also to a decision to grant an amendment to a permit – see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO MCF, CSPUD, SSP, SP	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO MCF, CSPUD, SSP, SP	
s 69(2)	Power to extend time	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA_PRO, SPRO MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 70	Duty to make copy permit available in accordance with public availability requirements	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, -PRO, SPRO MCF, CSPUD, SSP, SP	
s 71(1)	Power to correct certain mistakes	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 71(2)	Duty to note corrections in register	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO MCF, CSPUD, SSP, SP	
s 73	Power to decide to grant amendment subject to conditions	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA MCF, CSPUD, SSP, SP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO MCF, CSPUD, SSP, SP	
s 83	Function of being respondent to an appeal	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, -MCF, CSPUD, SSP, SP	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 83B	Duty to give or publish notice of application for review	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO MCF, CSPUD, SSP, SP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, MCF, CSPUD, SSP, SP	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, PRO, SPRO MCF, CSPUD, SSP, SP	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, DCD, MPBL, DPC, DPTL MCF, CSPUD	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 86	Duty to issue a permit at order of Tribunal within 3 business days	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, DPA, -PRO, SPRO MCF, CSPUD, SSP, SP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DCD, MPBL, DPC, DP, DPTL, <u>MDPDPC</u> MCF, CSPUD	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO MCF, CSPUD, SSP, SP	
s 91(2)	Duty to comply with the directions of VCAT	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO MCF, CSPUD, SSP, SP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP MCF, CSPUD, SSP, SP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO MCF, CSPUD, SSP, SP	
s 95(3)	Function of referring certain applications to the Minister	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO MCF, CSPUD, SSP, SP	
s 95(4)	Duty to comply with an order or direction	CEO, DCD, MPBL, DPC, MCF	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP, SP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DCD, MPBL, DPC, -DP, DPTL, MDP , DPC MCF, CSPUD, SSP, SP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DCD, MPBL, DPC, DP, DPTL, MDP , DPC MCF, CSPUD, SSP, SP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP MCF, CSPUD, SSP, SP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96F	Duty to consider the panel's report under s 96E	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP MCF, CSPUD, SSP, SP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP MCF, CSPUD, SSP, SP	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP MCF, CSPUD, SSP, SP	
s 96J	Duty to issue permit as directed by the Minister	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 97C	Power to request Minister to decide the application	CEO, DCD, MPBL, DPC, MCF	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP, SP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP,_SP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO MCF, CSPUD, SSP, SP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PRO, SPRO MCF, CSPUD, SSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DCD, MPBL, DPC, MCF	
s 970	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, DCD, MPBL, DPC, MCF	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, DCD, MPBL, DPC, MCF	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DCD, MPBL, DPC, MCF	
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, DCD, MPBL, DPC, MCF	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DCD, MPBL, DPC, MCF	
s 107(1)	Function of receiving claim for compensation	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 107(3)	Power to agree to extend time for making claim	CEO, DCD, MPBL, DPC, MCF	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, DCD, MPBL, DPC, MCF	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO, MCF, CSPUD, SSP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO, MCF, CSPUD, SSP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO, MCF, CSPUD, SSP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DCD, MPBL, DPC, MCF	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DCD, MPBL, DPC, MCF	Except Crown Land
s 129	Function of recovering penalties	CEO, DCD, MPBL, DPC, MCF	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO <u>, DPA</u> , MCF, CSPUD, SSP	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO, DPA, MCF, CSPUD, SSP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CEO, DCD, MPBL, DPC, PTO, DP, DPTL, MDP, PIO, MCF, CSPUD, SSP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, DCD, MPBL, DPC, MCF	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 171(2)(g)	Power to grant and reserve easements	CEO, DCD, MPBL, DPC, MDP, MO MCF	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	CEO	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	CEO	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO, DCD, MPBL, DPC, DP, DPTL, MDP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, DPC MCF, CSPUD	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, DPC MCF, CSPUD	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178A(5)	Power to propose to amend or end an agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP. MCF, CSPUD, SSP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCD, MPBL, DPC, DP, DPTL, MDP. MCF, CSPUD, SSP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	lf no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	lf no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	After considering objections, submissions and matters in s 178B

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, DCD, MPBL, DPC, DP, DPTL, MDP <u>,</u> MCF, CSPUD, SSP	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar General	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, <u>PTO</u> , MCF, CSPUD, SSP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP <u>PTO</u> MCF, CSPUD, SSP	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 182	Power to enforce an agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP <u>PTO</u> MCF, CSPUD, SSP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD, SSP	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PRO, PTO_MCF, CSPUD, SSP, SP, SPRO	
s 198(1)	Function to receive application for planning certificate	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PRO, SPRO, PTO, MCF, CSPUD, SSP, SP	
s 199(1)	Duty to give planning certificate to applicant	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PRO, SPRO, PTO, MCF, CSPUD, SSP, SP	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PTO, PRO, SPRO, MCF, CSPUD, SSP, SP	
s 201(3)	Duty to make declaration	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, MCF, CSPUD	
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, DCD, MPBL, DPC, DP, DPTL, MDP, PIO, MCF, CSPUD	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, DCD, MPBL, DPC, DPTL, MDP MCF, CSPUD	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, DCD, MPBL, DPC, DPTL, MDP MCF, CSPUD	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, DCD, MPBL, DPC, DPTL, MDP MCF, CSPUD, SSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, DCD, MPBL, DPC, MCF	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DCD, MPBL, DPC, MCF	

RESIDENTIAL TENANCIES ACT 1997

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DCW, MRCC, MRM, MEMO	
s 522(1)	Power to give a compliance notice to a person	EHO, PHPTL, PHPL	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DCW, MRCC, PHPL, PHPTL	
s 525(4)	Duty to issue identity card to authorised officers	DCW, MRCC	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	EHO, PHPTL, PHPL	
s 526A(3)	Function of receiving report of inspection	PHPL, PHPTL,PHPTL, EHO, MRCC, CRHC	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	PHPL, PHPTL,PHPTL, EHO, MRCC, CRHC	

ROAD MANAGEMENT ACT 2004

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, ALL D, MTEMTDE, MDA	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, ALL D	
s 11(9)(b)	Duty to advise Registrar	CEO, ALL D, MDA	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, ALL D, MDA, MTEMTDE	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, ALL D, MDA MTEMTDE	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, ALL D, MDA, MTEMTDE, MSPP	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CEO, ALL D, MDA, MCF MTEMTDE, MSPP	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	CEO, ALL D, MDA, MCF, MTEMTDE, MSPP	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	CEO, ALL D, MDA, MCF, MTEMTDE, MSPP	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, ALL D, MDA, MCF, MTEMTDE, MSPP	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(10)	Duty to notify of decision made	CEO, ALL D, MDA, MCF, MTEMTDE, MSPP	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, ALL D, MDA, MCF, MTEMTDE	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, ALL D	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, ALL D	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, ALL D	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, ALL D, MDA	
s 15(2)	Duty to include details of arrangement in public roads register	CEO, DACS, MDA, MDA, CAC, CAC, AMC,	
s 16(7)	Power to enter into an arrangement under s 15	CEO, ALL D, MTEMTDE MDA	
s 16(8)	Duty to enter details of determination in public roads register	CEO, DACS, MDA	
s 17(2)	Duty to register public road in public roads register	CEO, DACS, MDA , CAC, CAC, AMC,	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DACS, MDA	Where Council is the coordinating road authority

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CEO, DACS, MDA	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CEO, DACS, MDA, MTEMTDE, MSPP	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CEO, DACS, MDA , CAC, CAC, AMC,	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, DACS, DCD, MTEMTDE, MDA	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CEO, DACS, MDA , CAC, CAC, AMC.	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CEO, DACS, MDA , CAC, CAC, AMC,	
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, DACS, MDA , CAC, CAC, AMC,	
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, DACS, MDA , CAC, CAC, AMC,	
s 21	Function of replying to request for information or advice	CEO, DACS, MO, MDA, MTEMTDE	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DACS, MO, MDA, MTEMTDE	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	CEO, ALL D, MDA, MCGC,MACEP, CAECCC, IPPC	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 22(5)	Duty to give effect to a direction under s 22	CEO, ALL D, MDA, MTEMTDE	
s 40(1)	Duty to inspect, maintain and repair a public road	CEO, ALL D, MO, MDA	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, ALL D, MO, MDA	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, ALL D, MO, MDA, MTEMTDE	
s 42(1)	Power to declare a public road as a controlled access road	CEO, ALL D, MDA, MTEMTDE	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, ALL D, MDA, MTEMTDE	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CEO, ALL D, MO, MDA, MTEMTDE	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, ALL D, MTEMTDE	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, ALL D, MDA	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, ALL D, MTEMTDE	
s 49	Power to develop and publish a road management plan	CEO, ALL D, MDA	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, ALL D, MO, MDA	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, ALL D, MDA	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, ALL D, MDA	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, ALL D, MDA, MTEMTDE	
s 54(6)	Power to amend road management plan	CEO, ALL D, MDA	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, ALL D, MDA , CAC, CAC, AMC,	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, ALL D, MDA , CAC, CAC, AMC,	
s 63(1)	Power to consent to conduct of works on road	CEO, ALL D, MDA, , MTEMTDE, TDEC, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, ALL D, MO, MDA, MTEMTDE, TDEC	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, ALL D, MTEMTDE, MDA	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CEO, ALL D, MDA, MTEMTDE,	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CEO, DACS, MDA, MTEMTDE,	Where Council is the coordinating road authority
s 67(3)	Power to request information	CEO, DACS, MO, MDA, MTEMTDE, TDEC, TTTL	Where Council is the coordinating road authority

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 68(2)	Power to request information	CEO, DACS, MO, MDA, MTEMTDE, TDEC, TTTL	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, ALL D	
s 72	Duty to issue an identity card to each authorised officer	CEO, ALL D	
s 85	Function of receiving report from authorised officer	CEO, DACS, MDA <u>, MTDE</u>	
s 86	Duty to keep register re s 85 matters	CEO, DACS, MDA <u>, MTDE</u>	
s 87(1)	Function of receiving complaints	CEO, DACS, MO, MDA, MTEMTDE	
s 87(2)	Duty to investigate complaint and provide report	CEO, DACS, MO, MDA, MTEMTDE, APO	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DACS, MO, MDA, MTEMTDE, TDEC, PESO	
s 112(2)	Power to recover damages in court	CEO, DACS, MO, MDA, MTEMTDE, TDEC	
s 116	Power to cause or carry out inspection	CEO, DACS, MO, MDA, CAC, CAC, AMC., MTEMTDE, TDEC, TTTL, OIC	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DACS, MO, MDA, MTEMTDE	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DACS, MO, MDA, MTEMTDE	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CEO, DACS, MO, MDA, MTEMTDE	
s 121(1)	Power to enter into an agreement in respect of works	CEO, DACS, MO, MDA, MTEMTDE	
s 122(1)	Power to charge and recover fees	CEO, DACS, MO, MDA, MTEMTDE	
s 123(1)	Power to charge for any service	CEO, DACS, MO, MDA, MTEMTDE	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, ALL D, MO, MDA, MTEMTDE	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, ALL D, MDA, MTEMTDE	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, ALL D, MDA, MTEMTDE	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DACS, MO, MDA, MTEMTDE	
sch 2 cl 5	Duty to publish notice of declaration	CEO, ALL D, MDA, MTEMTDE	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, DACS, MO, OIC, MTEMTDE, TDEC, TTTL, MDA, CAC, CAC, AMC.	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, DACS, MO, OIC, MTEMTDE, TDEC, TTTL, MDA, CAC, CAC, AMC,, CWC	Where Council is the infrastructure manager or works manager

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, DACS, MO, OIC, MTEMTDE, TDEC, TTTL, MDA, CAC, CAC, AMC., CWC	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CEO, DACS, MO, OIC, MTEMTDE, TDEC, TTTL, MDA, CAC, CAC, AMC,,, CWC, MPBL,MLPAC, TLAPWS, APS	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CEO, DACS, MO, OIC, MTEMTDE, TDEC, TTTL, MDA, CAC, CAC, AMC.	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CEO, DACS, MO, MDA, MTEMTDE, TDECT, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, DACS, MO, OIC, MTEMTDE, TDEC, TTTL, MDA, CAC, CAC, AMC, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DACS, MO, MDA, OIC, TDEC, MTEMTDE, CAC, CAC, AMC, TTTL, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CEO, DACS, MO, MDA, CAC, CAC, AMC,, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, DACS, MO, OIC, T <u>D</u> EC	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CEO, DACS, MO, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, DACS, MO, MDA	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DACS, MO, OIC, DCD, MTEMTDE, TDEC, MDA, CAC, CAC, AMC,; MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 16(4)	Duty to consult	CEO, DACS, MO, OIC, DCD, MTEMTDE, TDEC, MDA, CAC, CAC, AMC,; MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DACS, MO, OIC, DCD, MTEMTDE TDEC, MDA, CAC, CAC, AMC, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, DACS, MO, OIC, DCD, MTEMTDE, TDEC, MDA, CAC, CAC, AMC, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DACS, MO, OIC, DCD, MTEMTDE, TDEC, MDA, CAC, CAC, AMC,; MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CEO, DACS, MO, OIC, DCD, MTEMTDE, TDEC, MDA, CAC, CAC, AMC, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DACS, MO, DCD, MTEMTDE, MDA	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, DACS, MO DCD, MTEMTDE, MDA, CAC, CAC, AMC, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, ALL D, MDA, FCAC, CAC, AMC, CWC, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, DACS, MO, DCD, MTEMTDE, TDEC, TTTL, STTE, TTE, MDA	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, DACS, MO, DCD, MTEMTDE, TDEC, TTTL, STTE, TTE, MDA	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, DACS, MO, DCD, MTEMTDE, TDEC, MDA, CAC, CAC, AMC.	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	CEO, DACS, MO, DCD, MTEMTDE, TDEC, MDA, CAC, CAC, AMC.	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, DACS, MO, MDA , CAC, CAC, AMC,	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

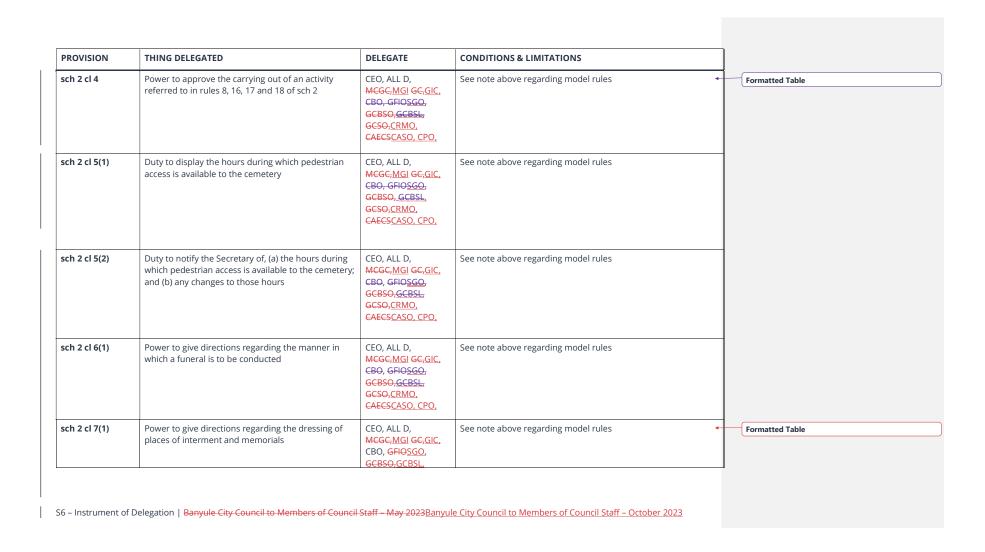
CEMETERIES AND CREMATORIA REGULATIONS 2015

##These provisions apply to Council appointed as a cemetery trust under s 5 of the Cemeteries and Crematoria Act 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CEO, ALL D, MCGC,MGI CAECS,CASO, CPO, CGGIC, GCBSO		Formatted Table
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CEO, ALL D, MCGC,MGI, GIC CAECS,CASO, CPO,		Formatted Table
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	CEO, ALL D, MCGC,MGI, GIC CAECS,CASO, CPO,		
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	NOT APPLICABLENOT applicable		
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	Not applicable NOT APPLICABLE		
r 29	Power to dispose of any metal substance or non- human substance recovered from a cremator	NOT APPLICABL <u>not</u> applicable €		
r 30(2)	Power to release cremated human remains to certain persons	Not applicable NOT APPLICABLE	Subject to any order of a court	
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	Not applicable NOT APPLICABLE		
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	Not applicable NOT APPLICABLE		

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Not applicable NOT APPLICABLE		
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Not applicable NOT APPLICABLE		
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Not applicable NOT APPLICABLE		
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	NOT-Not applicable APPLICABLE		
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	Not applicable NOT APPLICABLE		
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	Not applicable NOT APPLICABLE		
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	CEO, ALL D, MCGC,MGI, GIC CAECS,CASO, CPO, GS, GCBSO		Formatted Table
r 40	Power to approve a person to play sport within a public cemetery	CEO, ALL D, MCGC,MGI, GIC CAECS,CASO, CPO, GS, GCBSO		
r 41(1)	Power to approve fishing and bathing within a public cemetery	NOT APPLICABLE <u>Not</u> applicable		

		DELEGATE	CONDITIONS & LIMITATIONS	
42(1)	Power to approve hunting within a public cemetery	CEO, ALL D, MCGC,MGI GC,GIC, CASO, CPO. GCBSO,GCBSL, GCBSO		
43	Power to approve camping within a public cemetery	CEO, ALL D, MCGC,MGI CAECS,CASO, CPO. GS, GCBSOGIC		
45(1)	Power to approve the removal of plants within a public cemetery	CEO, ALL D, MCGC,MGI, GIC CAECS,CASO, CPO, MPNE, CAECS, GS, GCBSO		
46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CEO, ALL D, MCGC,MGI, GIC CAECS,CASO, CPO. GS, GCBSO		
47(3)	Power to approve the use of fire in a public cemetery	CEO, ALL D, MCGC,MGI,GIC CAECS,CASO,CPO, GS,GCBSO		
48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CEO, ALL D, MCGC,MGI, GIC CAECS,CASO, CPO, GS, GCBSLO CRMO	+	Formatted Table
ote: sch 2 conta	ains Model Rules – only applicable if the cemetery trus	t has not made its ow	vn cemetery trust rules	



PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
sch 2 cl 8	Power to approve certain mementos on a memorial CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO, GCBSL, GCSO,CRMO, CAECSCASO, CPO,		See note above regarding model rules	Formatted Table	
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	See note above regarding model rules		
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO, GCBSL, GCSO, CAECSCASO, CPO, CRMO	See note above regarding model rules		
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO,GCBSL, GCSO,CRMO, CAECSCASO, CPO,	See note above regarding model rules		
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO,	See note above regarding model rules		

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO, GCBSL, GCSO,CRMO, CAECSCASO, CPO,	See note above regarding model rules	Formatted Table
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO, GCBSL, GCSO,CRMO, CAECSCASO, CPO,	See note above regarding model rules	
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CEO, ALL D, MCGC,MGI GC,GIC, CBO, GFIOSGO, GCBSO, GCBSL, GCSO,CRMO, CAECSCASO, CPO,	See note above regarding model rules	

PLANNING AND ENVIRONMENT REGULATIONS 2015

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, DCD, MPBL, DPC DP, PTO, DPTL, MDP	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	CEO, DCD, MPBL, DPC, DP, PTO, DPTL, MDP	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements	CEO, DCD, MPBL, DPC, DP, PTO, PRO, SPRO, DPTL, MDP	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	CEO, DCD, MPBL, DPC, DP, PTO, PRO, SPRO, DPTL, MDP	Where Council is not the responsible authority, but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, DCD, MPBL, DPC, DP, PTO, DPTL, MDP	Where Council is not the planning authority, and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, DCD, MPBL, DPC	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, DCD, MPBL, DPC	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	MPBL, DPC, DPTL, MDP, DP, PTO, PRO, SPRO, SP	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 10	Function of receiving application for registration	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 11	Function of receiving application for renewal of registration	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 12(4) & (5)	Duty to issue certificate of registration	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 14(1)	Function of receiving notice of transfer of ownership	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 14(3)	Power to determine where notice of transfer is displayed	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 15(1)	Duty to transfer registration to new caravan park owner	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 15(2)	Duty to issue a certificate of transfer of registration	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	PHPL, PHPTL,PHPTL,EH O, DCW, MRCC, CRHC	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	PHPL, PHPTL EHO, DCW, MRCC, CRHC	

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 17	Duty to keep register of caravan parks	PHPL, PHPTL,PHPTL,EH O, DCW, MRCC, CRHC	
r 18(4)	Power to determine where the emergency contact person's details are displayed	PHPL, PHPTL,PHPTL,EH O, DCW, MRCC, CRHC	
r 18(6)	Power to determine where certain information is displayed	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 22(2)	Duty to consult with relevant emergency services agencies	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 25(3)	Duty to consult with relevant floodplain management authority	Not delegated	
r 26	Duty to have regard to any report of the relevant fire authority	Not delegated	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste-water from a movable dwelling	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Not delegated	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 41(4)	Function of receiving installation certificate	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	PHPL, PHPTL,PHPTL, EHO, DCW, MRCC, CRHC	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	CEO, DACS, MDA , CAC, CAC, AMC.	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, DACS, MDA , CAC, CAC, AMC,	
r 9(3)	Duty to give notice where road management review is completed, and no amendments will be made (or no amendments for which notice is required)	CEO, DACS, MDA , CAC , CAC, AMC,	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance, or repair under s 41 of the Act	CEO, DACS, MDA , CAC , CAC, AMC,	
r 13(1)	Duty to publish notice of amendments to road management plan	CEO, DACS, MDA , CAC , CAC, AMC,	Where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CEO, DACS, MDA , CAC , CAC, AMC,	
r 16(3)	Power to issue permit	CEO, DACS, MDA, , DCD, MTEMTDE, TDEC, TITL, STE, TTE, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 18(1)	Power to give written consent re damage to road	CEO, DACS, MDA, CAC, CAC, AMC, DCD, MTEMTDE, TDEC, TITL, STTE, TITE, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DACS, MDA, MTEMTDE, TDEC	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, DACS	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DACS, MO, DCD, MTEMTDE, TDEC, TTTL, STTE, TTE CRHC,	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)	CEO, DACS, CRHC, WMC	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DACS, CRHC, WMC	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015

PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, ALL D, MDA, CAC, CAC, AMC, MPBL, MLPAC, TLAPWS, APS, SBSO, SCMO, CMPI	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, ALL D, MDA, MTEMTDE	Where Council is the coordinating road authority

Banyule City Council Response to State Council 13 October 2023 Motions from Membership

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Consolidated Motions

C1. Affordable housing and homelessness sector support

Motion:

- Increase social housing stock across the state to address homelessness and improve living standards of existing social housing including increased support for residents to maintain their tenancy; extending the Big Housing Build by funding an increase in social and affordable housing to at least 60,000 dwellings over 10 years; and committing to a target for priority local government areas.
- 2. Urgently develop a state-wide social and affordable housing strategy that addresses housing need across a range of tenures, from emergency housing to long term community and private rental housing.
- 3. Provide adequate funding for the homelessness sector for sufficient staffing of homelessness service agencies to deliver critical wrap-around services for individuals with complex needs and who have experienced long term homelessness to develop skills to exit homelessness, live independently and retain their housing. This includes funding for out-of-hours (before 9 am and after 5 pm) assertive outreach. This is in line with the Council to Homeless Persons' 2023/24 state budget submission that called on the Victorian Government:
 - "... to invest an additional \$47.5 million in 2023-24 (\$220.6 million over four years) to continue and grow the From Homeless to a Home program to support at least 2,100 households (growing to 2,400 by year 4) for as long as that support is needed to sustain that home (page 4, State Budget Submission 2023–24 Council to Homeless Persons website (chp.org.au))."
- 4. Directly support local government homelessness response by funding the establishment of assertive outreach services and community connector roles, based in councils to lead prevention activities and guide service coordination efforts.

Which motions are being consolidated?	Does the motion align with the MAV Strategy 2021-25 Priority?	Is the motion of significance to Local Government?
Housing and homelessness sector support - Boroondara City Council (Motion 1)	MAV Strategy Priority 2: Healthy, diverse, and thriving communities	Yes
Affordable housing and homelessness – Brimbank City Council (Motion 2)		
Homelessness and affordable housing – Wyndham City Council(Motion 3)		

Officer Recommendation & Suggested Council Position		
Director City Development:		
This motion is supported and is in line with Banyule's Interim Social and Affordable Housing Policy.		
Suggested Position ⊠ Support □ Not supported		

C2: Building resilience to future flood events

Motion:

That the MAV calls on the Victorian Government to:

- 1. Work with councils to ensure that flood hazard controls within the Victoria Planning Provisions are fit for purpose.
- 2. Implement a state-led process for ensuring flood mapping is up to date and incorporated into planning schemes.
- 3. Review the effectiveness of flood warning systems, particularly the information available to at-risk communities.

Which motions are being consolidated?	Does the motion align with the MAV Strategy 2021-25 Priority?	Is the motion of significance to Local Government?
Building resilience to future flood events – Mitchell Shire Council (Motion 4)	MAV Strategy Priority 3: Well- planned, connected and resilient built environment	Yes
State Government leadership in planning scheme amendments to incorporate updated flood mapping - East Gippsland Shire Council (Motion 5)		
Modification to the Land Subject to Inundation Overlay - South Gippsland Shire Council (Motion 6)		

Officer Recommendation & Suggested Council Position			
Director City Development:			
This motion is more relevant to bushfire prone areas but will benefit all of Victoria so is supported.			
Suggested Position ⊠ Support □ Not Supported			

C3: Don't leave the growth areas behind

Motion:

That the MAV calls on the Victorian Government to:

- 1. Ensure that the needs of growth area communities are still prioritised despite the renewed focus on delivering 70% of housing growth in in-fill areas;
- 2. Provide infrastructure and service delivery funding assistance to growth area councils who have and continue to see significant population growth;
- 3. Restore programs like the Growing Suburbs Fund to their previous levels.

Which motions are being consolidated?	Does the motion align with the MAV Strategy 2021-25 Priority?	Is the motion of significance to Local Government?
	MAV Strategy Priority 3: Well-planned, connected and resilient built environment	Yes
Victorian Government financial support for Councils for infrastructure planning and delivery – Wyndham City Council (Motion 8)	built environment	

Officer Recommendation & Suggested Council Position
Director City Development:
The lack of planning of infrastructure in the growth suburbs can cause impacts on Banyule as some areas have no option but to travel to more inner Council to find the services they need. This impacts the inner councils and their residents. We should support anything that provides infrastructure and service delivery funding assistance.
Suggested Position Support □ Not Supported

C4: Enshrining climate change responses and environmental sustainability into our planning system

Motion:

That the MAV calls on the Victorian Government to ensure that the planning system prioritises sustainability and climate change, including through authorising the Elevating Targets planning scheme amendment progressed by CASBE and 24 councils to require a higher standard of Environmentally Sustainable Development.

Which motions are being consolidated?	Does the motion align with the MAV Strategy 2021-25 Priority?	Is the motion of significance to Local Government?
environmental sustainability in the assessment	MAV Strategy Priority 3: Well-planned, connected and resilient built environment	Yes
Aligning the Victorian Planning Framework to Government Climate Change Policy - Mitchell Shire Council (Motion 10)	MAV Strategy Priority 4: Changing climate and circular economy	

Officer Recommendation & Suggested Council Position	
Director City Development: This motion aligns with Council's position on improving environmental sustainability in planning outcomes noting that Council is a CASBE member and is seeking approval for the CASBE elevating targets Planning Scheme Amendment.	
Suggested Position ☑ Support ☐ Not Supported	

C5: Exempt rural councils from the Windfall Gains Tax

Motion:

That the MAV calls on the Victorian Government to exempt rural areas from the Windfall Gains Tax.

Which motions are being consolidated?	Does the motion align with the MAV Strategy 2021-25 Priority?	Is the motion of significance to Local Government?
Windfall Gain Tax – Northern Grampians Shire Council (Motion 11)	MAV Strategy Priority 1: Economically sound councils	Yes
Call to revoke Windfall Gains Tax in rural Victoria - Ararat Rural City		
Addressing Windfall Gains Tax in rural areas - Towong Shire Council		

Director Response & Suggested Council Position	
Director Corporate Services:	Director City Development:
An exemption for rural Councils (but not rural landowners) is supported but it is strongly considered that all Victorian local councils should be exempt from Windfall Gains Tax.	The proposition to exempt all properties in rural Municipalities from Windfall Gains Tax would introduce an inequitable treatment of landowners in Victoria. The proposition (Motion 13 point 3) to expend funds raised from WFGT in municipal districts where they are collected should be supported.
Suggested Position ☑ Support □ Not Support	Suggested Position ⊠ Support □ Not Support

C6: Protecting, enhancing and expanding open spaces for all communities

Motion:

The MAV calls on the Victorian Government to:

- 1. Recognise that open space is critical to building healthy and active communities across Victoria;
- 2. Mandating higher minimum public open space requirements as part of any state-approved planning proposal
- 3. Improve public access to public school grounds through reforming joint-use agreements;
- Working more closely with local government in state Government planning decisions to identify opportunities and needs for open space, particularly as part of large infrastructure projects;
- 5. Notes that open space remains a critical consideration in developing a livable Victoria by promoting healthy and active communities with access to open green space.

Which motions are being consolidated?	Does the motion align with the MAV Strategy 2021-25 Priority?	Is the motion of significance to Local Government?
Improved Community Access to Underutilised Land and Broader Community Open Space needs - Glen Eira City Council (Motion 14)	MAV Strategy Priority 2: Healthy, diverse and thriving communities. MAV Strategy Priority 3:	Yes
Open Space within metropolitan Melbourne – Port Phillip City Council (Motion 15)	Well-planned, connected and resilient built environment	

Officer Recommendation & Suggested Council Position
Director City Development:
This motion is supported and is relevant to Banyule. It places more emphasis on the State to enable delivery of improved open space outcomes for community health and environmental benefits.
Suggested Position ⊠ Support □ Not Support

C7: Retain and protect community voice in the planning system

Motion:

That the MAV calls on the Victorian Government to:

- 1. Recognise the subject matter expertise found within local government, and partner with councils to co-design an improved planning system;
- 2. Retain community voice and local decision-making as key pillars of the Victorian planning system;
- 3. Ensure that councils are resourced to effectively carry out their central role in the planning system.

Which motions are being consolidated?	Does the motion align with the MAV Strategy 2021-25 Priority?	Is the motion of significance to Local Government?
Proposed Planning Reforms – Yarra City Council (Motion 16)	MAV Strategy Priority 3: Well- planned, connected and resilient built environment.	Yes
Keep Local Democracy on Planning Decisions - Mansfield Shire Council (Motion 17)	MAV Strategy Priority 5: Sector capability and good governance	

Officer Recommendation & Suggested Council Position		
Director City Development:		
This motion is consistent with the thrust of Council's position in relation to statutory planning decision making.		
Suggested Position ⊠ Support □ Not Supported		

C8: Victorian Government Erosion of Funding for Public Libraries

Motion:

That the MAV:

- Notes that Victorian Government grants for public libraries are frozen at 2022/23 levels, with the
 result that funding for public libraries is effectively being further cost-shifted onto Local
 Government. As a result, councils are now bearing 80% of the cost of this invaluable community
 service which was previously equally funded by state and local governments.
- 2. Calls on the Victorian Government to commit to:
 - a) not place additional responsibilities on local government without a sustainable revenue stream to support their implementation
 - b) reverse its decision to freeze the level of grants for public libraries in 2023/24
 - increase the 2023/24 public library grant and commit to restoring its funding contribution to 50% of the service cost.

Which motions are being consolidated?	Does the motion align with the MAV Strategy 2021-25 Priority?	Is the motion of significance to Local Government?
Public Library Grants – Erosion of Library Services to Community – Maroondah City Council (Motion 18)	MAV Strategy Priority 1: Economically sound councils	Yes
Victorian Government Funding of Public Libraries – Knox City Council (Motion 19)		

Officer Recommendation & Suggested Council Position	
Director Community Wellbeing:	
Consistent with YPRL position.	
Suggested Position ☐ Support	□ Not Supported

Board Motion

BM1: Local Government Emergency Management Arrangements

Submitted by: MAV Board on behalf of MAV Emergency Management Committee

Motion:

That the MAV calls on the Minister for Local Government, the Minister for Emergency Services, the Emergency Management Commissioner and Local Government Victoria (LGV) to:

- Urgently review the Municipal Emergency Resourcing Program (MERP) to cover all 79 councils, with a new
 formula based on risk and capacity, and an immediate investment in training for councils' statutory
 emergency management roles. Significantly higher levels of ongoing funding, guaranteed to continue each
 year, that reflect the risk and community expectations are essential.
- To improve timely processing and approval periods for the Disaster Recovery Funding Arrangements (DRFA) that are hindering effective recovery;
- To 'truly' recognise the advantage of betterment funding through the DRFA and proactively work with councils
 and the federal government to achieve this outcome;
- 4. To resolve the lack of clarity about the roles and responsibilities of councils in emergency management;
- 5. To develop and deliver training for core statutory emergency management roles.

Rationale:

All of these issues have been raised at the MAV Emergency Management Committee for the past several years. As is outlined below they have been provided to State and Federal government as budget bid, and as part of MAV's position statement. This motion highlights the priority areas of concern raised by the MAV Municipal Emergency Management Advisory Committee.

In 2019, a state-facilitated assessment through the State Government's Councils & Emergencies project found sector-wide capability and capacity gaps in several of councils' critical emergency management roles. Despite this, there has been no investment in sector training and development, nor an increase in funding commensurate with their expanding role.

Emergency management is complex and the stakes are high. It is critical that councils are empowered and adequately funded to lead local resilience building, support local planning and effectively coordinate local-level relief and recovery.

The Municipal Emergency Resourcing Program (MERP) is currently the main emergency management funding source for the 64 eligible rural, regional and interface councils. This program provides an annual share of \$4.9 million to eligible councils and is based on a formula devised in 2012.

Significantly higher levels of ongoing funding, reflective of risk and community expectations are essential. As an immediate step, an additional \$7 million is needed to fund one FTE in each council, while a transparent risk and capacity-based formula is developed.

DRFA must be urgently reviewed and streamlined. Councils are growing increasingly concerned about the administrative burdens associated with making claims, and the frequency at which legitimate claims are not accepted. Funding needs to flow quickly to local communities after emergencies. Recovery packages must also be guaranteed to ensure the long-term needs of communities can be met, including allowing infrastructure to be built back to a more climate-resistant standard.

Victorian councils have observed a continued roll out of disparate emergency management reforms across separate departments and agencies in recent years. In this environment, there is a significant risk that

council roles and responsibilities will be reshaped in a piecemeal approach without strategic consideration. The roles and responsibilities of councils in emergency management must be reviewed and agreed on in collaboration with the MAV and all 79 councils. They must reflect the importance of local, council-led resilience building and relief and recovery coordination as crucial strengths and central to any revised approach. The roles determined must then be adequately financed, for both job security and stability of known roles within the community.

For many years, councils have been calling on the Victorian Government for better support with dedicated training for statutory emergency management roles. If councils are expected to fill Municipal Recovery Manager and Municipal Emergency Management Officer roles described in legislation, appropriate training must be developed and delivered.

Officer Recommendation & Suggested Council Position	
Director Community Wellbeing:	
Fully supported.	
Suggested Position ☐ Support	□ Not Supported

Motion 1: Housing and Homelessness Sector Support (C1)

Strategic Priority motion

Submitting Council: Boroondara City Council

Motion:

That the MAV calls on the Victorian Government to:

- Provide adequate funding for the homelessness sector to deliver critical wrap-around services for individuals with complex needs and who have experienced long term homelessness to develop skills to exit homelessness, live independently and retain their housing. This is in line with the Council to Homeless Persons' 2023/24 state budget submission that called on the Victorian Government:
 - "... to invest an additional \$47.5 million in 2023-24 (\$220.6 million over four years) to continue and grow the From Homeless to a Home program to support at least 2,100 households (growing to 2,400 by year 4) for as long as that support is needed to sustain that home (page 4, State Budget Submission 2023–24 -Council to Homeless Persons website (<u>chp.org.au</u>))."
- Provide adequate funding for sufficient staffing of homelessness service agencies to support
 individuals who are sleeping rough out of homelessness in a timely manner. This includes funding
 for out-of-hours (before 9 am and after 5 pm) assertive outreach.
- Increase social housing stock and improve living standards of existing social housing including increased support for residents to maintain their tenancy.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
MAV Strategy 2021-2025 Priority or 'Other – Of significance to	MAV Strategy Priority 2: Healthy, diverse and thriving
Local Government'	communities
Is the motion repetitive in a form or substance of a motion or ite	em considered at the most recently held No
meeting of the State Council?	140

The motion should be considered because Council considers funding for the housing and homelessness sector is still inadequate. The Salvation Army - Homelessness East, Council's homelessness entry point, continues to experience high demand and Council has experienced delayed response times for assertive outreach. Council also recognises that there is an inadequate supply of social housing to meet the needs of people who are homelessness or at risk of homelessness.

Council is also aware that full funding was not received by Council to Homeless Persons (CHP) in response to their State Budget Submission 2023–24. Funding is requested to enable CHP and the housing and homelessness sector to end - rather than simply manage - homelessness in Victoria.

Officer Recommendation & Suggested Council Position
Director Community Wellbeing:
In the Heidelberg area there has been a significant increase in community housing but no increase in funding for the wrap around services that residents require.
Suggested Position ⊠ Support □ Not Supported

Motion 2. Affordable Housing and Homelessness (C1)

Strategic Priority motion

Submitting Council: Brimbank City Council

Motion:

The MAV calls on the Victorian Government to:

- Directly support local government homelessness response by funding the establishment of assertive outreach services and community connector roles, based in councils to lead prevention activities and guide service coordination efforts.
- Extend the Big Housing Build by funding an increase in social and affordable housing to at least 60,000 dwellings over 10 years and commit to a target for priority LGAs.
- c) Urgently develop a state-wide social and affordable housing strategy that addresses housing need across a range of tenures, from emergency housing to long term community and private rental housing.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
	MAV Strategy Priority 2: Healthy, diverse and thriving communities
Is the motion repetitive in a form or substance of a motion most recently held meeting of the State Council?	on or item considered at the No

Homelessness and housing stress is a significant and worsening issue faced by people living in Victoria. Australia's 2021 census estimates on housing and homelessness, released in March 2023, estimated nearly one in 200 people – a total of 122,494 across the country – without a safe, secure place to sleep at night. Among these, 7,636 people were recorded as living in impoverished dwellings, tent and sleeping out.

While the Federal and Victorian government hold the funding and the mandate to respond to homelessness and housing, communities often look to their local council to respond to homelessness. Unlike the other levels of government, Councils simply lack the resources to assist.

Through their multiple connections into communities, Councils are well positioned to initiate actions that will prevent homelessness – acting before people reach crisis points and also to drive multi-stakeholder collaborations to address housing and homelessness response. However, without direct funding streams, many councils cannot act.

The current four-year Big Housing Build is a record investment in building new community housing and upgrading existing public housing. More than 1,700 new social housing homes have been completed, with another 7,381 on the way. However, more than 100,000 Victorians are on the waitlist for social housing. Victoria needs 60,000 new social housing properties over the next 10 years.

Director Response & Suggested Council Position	
Director City Development:	Director Community Wellbeing:
This motion is supported and is in line with Banyule's Interim Social and Affordable Housing Policy.	There is a particular need for assertive outreach across Banyule for people sleeping rough.
Suggested Position ☑ Support ☐ Not Support	Suggested Position ☑ Support □ Not Support

Motion 3. Homelessness and Affordable Housing (C1)

Strategic Priority motion

Submitting Council: Wyndham City Council

Motion:

That the MAV calls on the Victorian Government to continue to address the growth in homelessness through construction of affordable housing across the state.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
3	MAV Strategy Priority 2: Healthy, div communities	erse and thriving
Is the motion repetitive in a form or substance of a most recently held meeting of the State Council?	a motion or item considered at the	No

Significance to local government

Addresses a need for more homeless support services and affordable housing across Victoria, as communities continue to experience hardship with high inflation and soaring cost of living.

Rationale

As inflation continues to remain high, more and more households are experiencing financial In the last census (2021) it was estimated that were more than 120,000 people experiencing homelessness across Australia. In Victoria, there are some 30,000 people experiencing this, a 24% increase since data was last collected. In terms of the Aboriginal and Torres Strait Islander community in Victoria, this grew by 40% to over 1000 people in the past five years.

Furthermore, 25% of Victorians without a home are young people between the ages of 12 – 24. In Victoria, there are 96 people who have been turned away from accessing homelessness services. In the 2021-22 financial year, these homelessness services assisted 102,000 people. This number equates to 37% of total clients nationwide. According to the Australian Institute Health and Welfare of Specialist homelessness services report (2021/22), the top three reasons for people seeking homelessness services in Victoria were:

- Financial difficulties (46%)
- Family and domestic violence (44%)
- Housing crisis (34%)

When a person does not have suitable accommodation, they are considered homeless, if their current living arrangement:

- Is in a dwelling that is inadequate; or
- Has no tenure, or if their initial tenure is short and not extendable; or
- Does not allow them to have control of, and access to space for social relations

This may include:

- Rough sleeping, for example on park benches, in public toilets, under bridges
- Makeshift tents
- Sleeping in a car
- Staying temporarily with a friend, family member or acquaintance (couch surfing)

 Staying at refuges, in boarding houses, or other forms of crisis or transitional housing for the homeless

Overcrowded housing – that is, dwellings that require four or more extra bedrooms to adequately accommodate the residents.

Across Victoria, we have seen a decline in housing affordability for a variety of reasons. In 2021, the Real Estate Institute of Australia released a report stating that housing affordability in Victoria has fallen 9.7 percentage points since 2001, with a shortage in adequate housing was driving competition for homes, which in turn caused prices to skyrocket and affordability to plummet.

The report also stated that a family earning the typical median weekly income of \$2018 – or about \$104,936 a year – must now siphon off more than a third of their salary to pay back lenders, with the average loan amount for a Victorian home has blown out to \$568,188 – a jump of more than 261 per cent on the average \$157,064 loan from two decades ago.

The MAV, as the peak body for councils, should make a submission to the inquiry and continue to work with the State Government to try and reduce homelessness and improve housing affordability for all Victorians.

Director Response & Suggested Council Position	
Director City Development:	Director Community Wellbeing:
This motion is supported and is in line with Banyule's Interim Social and Affordable Housing Policy.	Is consistent with the Banyule Homelessness Protocol advocacy requirements.
Suggested Position ☑ Support □ Not Support	Suggested Position ☑ Support □ Not Support

Motion 4. Building resilience to future flood events (C2)

Standard Priority motion

Submitting Council: Mitchell Shire Council

Motion:

That the MAV advocate to the State Government to build resilience against future flood events through improving flood warning and mitigation systems by:

- Reviewing the effectiveness of flood warning systems, with particular focus on the accessibility of data to at risk communities; and
- Requesting the State Government to take responsibility for embedding completed flood studies into the appropriate planning schemes.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

Flood warnings are effective if they enable people to take action to lessen the impacts of a flood and assist agencies to carry out their legislated responsibilities. Community members impacted by the October 2022 floods have highlighted that they did not receive effective warnings prior and during the event. Improvements to this warning system would dramatically improve community resilience. Aligned with this, having up-to-date planning schemes which incorporate up-to-date flood studies will promote responsible and informed development which is integral to building resilient communities.

Rationale

The 2022 Victorian Flood event highlighted the importance of building and supporting community resilience. Key to this are timely and effective warning systems, and appropriate and informed planning.

The Total Flood Warning System was introduced in 1995 and although considered to compare favourably against international flood warning frameworks, continuous improvement should always be a priority.

Considered improvements to the community warnings should include:

- Review of Service Level specifications (warning lead times)
- Review of Flood class levels
- Amendments to Vic Emergency app to include place-based information such as local flood guides

The purpose of flood studies is to improve the management of flood risks for communities, with a particular focus on making informed decisions on development within the floodplain.

Whilst numerous flood studies have been completed, many of these have not yet been incorporated through a planning scheme amendment. These studies hold invaluable strategic planning and risk management data and are vital information when building community resilience to future flood events. This failure presents an unnecessary flood risk to developing communities. Funding and support must be made available to Councils to enable the implementation of flood studies. Combined, better warning systems and

the implementation of up-to-date flood studies would support the ongoing development of resilience to future flood events.

Officer Recommendation & Suggested Council Position	
Director City Development:	
his motion is supported and Banyule will benefit from the State Government taking responsibility to ncorporate Melbourne Water flooding data into relevant Planning Schemes.	
uggested Position ⊠ Support □ Not Support	

Motion 5: State Government leadership in planning scheme amendments to

incorporate updated flood mapping (C2)

Strategic Priority motion

Submitting Council: East Gippsland Shire Council

Motion:

That the MAV calls on State Government to lead, coordinate and resource the amendment of planning schemes to include updated flood mapping in a coordinated State-wide approach.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Recent events including the 2022 flooding events have demonstrated the need to review and update flood mapping within planning schemes.

This is also the case in East Gippsland and other coastal councils where sea level rise contributes to flooding risks through coastal inundation. Updating flood mapping is a technical process where there is limited opportunity to take into account changes to respond to community views.

Management of flood risk is a state-wide issue requiring a state-wide planning policy approach. Differing community views in relation to local planning policy may create significant challenges for individual local governments seeking to respond to those views while consistently implementing State policy.

The inclusion of updated flood mapping is analogous to the implementation of the Bushfire Management Overlay which was implemented through a streamlined Minister-led planning scheme amendment. It is appropriate that updated flood mapping be implemented in a similar, streamlined and coordinated manner.

Officer Recommendation & Suggested Council Position
Director City Development:
This motion is supported and Banyule will benefit from the State Government taking responsibility to incorporate Melbourne Water flooding data into relevant Planning Schemes.
Suggested Position ☑ Support ☐ Not Supported

Motion 6. Modification to the Land Subject to Inundation Overlay (C2)

Strategic Priority motion

Submitting Council: South Gippsland Shire Council

Motion:

That the MAV advocate to the Victorian Government to work in partnership with Local Government to fund and implement modifications to the Victorian Planning Provisions to amend, and strengthen, the Land Subject to Inundation Overlay to manage risk in coastal areas that are vulnerable to climate change impacts.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	MAV Strategy Priority 3: Well-p and resilient built environmen	t
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		No

The Land Subject to Inundation Overlay (LSIO) identifies properties that may be affected by flood risk, however, the current Overlay features outdated data and does not adequately represent expected sea level rises or rainfall intensity.

State-wide coordination and updated flood mapping are needed to ensure additional lots are not created, and increased population densities are not encouraged, in potentially hazardous locations. Out-of-date flood maps mean that buyers may not have the information they need to make informed, risk-based, decisions about their potential land purchase. It could also mean they purchase in areas where dwellings would not be permittable if updated flood mapping were available.

This also presents a long-term risk to councils, who may have to deal with costly mitigation measures and remedial works.

An updated LSIO could be modelled on the Bushfire Management Overlay, which was amended to be a state-wide mechanism to identify potential bushfire risk.

Officer Recommendation & Suggested Council Position		
Director City Development:		
This motion is relevant to coastal areas but will benefit all of Victoria by reducing impacts of climate change.		
Suggested Position ⊠ Support □ Not Supported		

Motion 7. Essential funding for growth areas (C3)

Standard Priority motion

Submitting Council: Mitchell Shire Council

Motion:

That the MAV advocate to the State Government to highlight the importance of continued funding for infrastructure construction in the growth areas, including social and community infrastructure, through mechanisms such as returning the Growing Suburbs Fund to \$50m per annum.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	Strategy Priority 3: Well-planner resilient built environment	
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		No

Significance to local government

The recent announcements of decreased funding for growth area infrastructure, including the slashing of the essential Growing Suburbs fund may result in the creation of isolated, underserviced communities on Melbourne's outer fringe. A continued investment in growth area infrastructure is essential to support healthy communities.

Rationale

Melbourne's growth areas have seen historic rates of growth over the previous twenty years. All of Melbourne's growth corridors are now in full stages of development, with significant communities either already in residence, or soon due to move in.

The State Government has recent made a number of announcements and decisions which have highlighted a shift in commitment from growth area investment to inner-Melbourne densification. Concerningly, this is clearly resulting in a substantially decreased investment in infrastructure in Melbourne's outer growth areas.

An exemplar of this shift has been the slashing of the Growing Suburbs Fund. This fund has been an essential source of funding for Councils to be able to deliver social and community infrastructure. Without this fund many communities would have been left without access to essential services and community building opportunities.

Melbourne's growth areas have not ceased or slowed down. For example, the Northern Growth Corridor is likely to see, at a minimum, another 350,000 people over the coming decades. The development of these communities has already begun. By slashing funding, including the Growing Suburbs Fund, the State Government is leaving these communities at serious risk of existing without essential social, economic, and physical infrastructure.

Director Response & Suggested Council Position	
Director Corporate Services:	Director City Development:
	The lack of planning of infrastructure in the growth suburbs can cause impacts on Banyule as some areas have no option but to travel to more inner Council to find the services they need. This impacts the inner Councils and their residents. We should support anything that provides infrastructure and service delivery funding assistance.
Suggested Position	Suggested Position
☑ Support ☐ Not Support	⊠ Support □ Not Support

Motion 8. Victorian Government financial support for Councils for infrastructure

planning and delivery (C3)

Standard Priority motion

Submitting Council: Wyndham City Council

Motion:

That the MAV calls on the Victorian Government to prioritise infrastructure and services funding for Growth Area Councils who are experiencing significant population growth.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	MAV Strategy Priority 3: Well-p and resilient built environmen	t
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		No

Significance to local government

This motion relates to a recent shift in State Government policy and seeks funding to support Councils who may be worse off as a result.

Rationale

This prioritisation is required in light of the Victorian Governments increased focus on delivering on Plan Melbourne's goal of delivering 70 per cent of new housing in established areas.

Plan Melbourne, released in 2014, outlines the Victorian Government's plan to deliver 1.6 million homes over the next 35 years, while addressing housing affordability, housing diversity, and access to jobs and services. The Strategy includes a goal of distributing 70 per cent of the additional housing in Melbourne's established areas.

In 2023, Deputy Premier Jacinta Allan acknowledged that this ratio was not being met, and foreshadowed a change to the Victorian Government's approach to planning to drive growth in established areas in a bid to create a more liveable and sustainable Melbourne.

While this is a welcome move, delivering on Plan Melbourne, this can not come at the expense of other Councils still taking substantial rates of growth. All tiers of government are facing funding constraints, and the local government sector is not exempt. With rate capping, costs of labour and materials increase, and cost shifting putting pressure on budgets, Councils have limited access or ability to find other streams of revenue to fund the shortfall.

The Victorian Government's Victoria in Future document includes population projections to 2056, and is deemed the Government's official projections of population and households. Of the 11.2 million that the state's population is expected to grow to by 2056, 9 million will be located within Greater Melbourne, and 2.2 million in regional Victoria.

This highlights that significant growth will occur in established and inner-city Melbourne local government areas, growing by 2.7 per cent annually. Metropolitan growth areas will grow on average by 3 per cent each year, peri-urban areas by 1.8 per cent, and regional areas by 1.8 per cent also.

Local government is in need of appropriate, needs-based funding streams to support this growth right across Victoria, as increases in population growth will lead to increased demands for services and infrastructure – for the delivery of new infrastructure, as well as the upgrade of existing.

For example, in the 2023/24 Victorian State Budget, the Growing Suburbs Fund – a vital funding stream which has supported approximately 350 community infrastructure projects since its implementation in 2015 – was reduced from \$50 million a year to \$10 million, forcing Councils to find the funds to fill the gap. These challenges are also faced in service delivery, with services such as Universal Maternal and Child Health no longer being funded in a 50-50 split between Councils and the Victorian Government, with local governments now providing, on average, 70 per cent of the cost of delivering the service.

Director Response & Suggested Council Position		
Director Corporate Services:	Director City Development:	
This is a concerning trend across all forms of funding for LG. This could also be a signal for further cost shifting in the near future. Suggested Position Support □ Not Support	The lack of planning of infrastructure in the growth suburbs can cause impacts on Banyule as some areas have no option but to travel to more inner Council to find the services they need. This impacts the inner Councils and their residents. We should support anything that provides infrastructure and service delivery funding assistance.	
	Suggested Position	
	⊠ Support □ Not Support	

Motion 9. Planning reforms to give greater weight to environmental sustainability in

the assessment process (C4)

Strategic Priority motion

Submitting Council: Surf Coast Shire Council

Motion:

That the MAV calls on the Victorian Government to reform the Victorian Planning System to give greater weight to environmental sustainability in the assessment process, in line with the guidelines for sustainable buildings and subdivisions, developed by the Council Alliance for a Sustainable and Built Environment (CASBE).

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	Strategy Priority 3: Well-planned resilient built environment	
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		0

When considering planning applications Councils have limited powers to assess applications according to environmental sustainability criteria.

Whilst individual councils do develop their own local planning schemes, each scheme is governed by over-arching controls including the Planning and Environment Act 1987 and the Victorian Planning Provisions

Changes to the planning provisions would strengthen the ability of councils to assess planning permit applications, and subdivision design, based on how well applications meet environmental sustainability criteria.

The Council Alliance for a Sustainable Built Environment (CASBE) gives guidance on best practice standards for sustainable building and subdivision.

To achieve higher ratings for environmental sustainability, CASBE recommends buildings be assessed on elements such as daylight, natural ventilation, external shading, zero carbon development, water efficiency, stormwater management, site permeability and building materials.

In 2019 CASBE and the Victorian Planning Authority (VPA) partnered to develop a sustainable subdivisions framework which identifies seven categories that contribute to better environmental performance within subdivisions: site layout and liveability, streets and public realm, energy, ecology, integrated water management, urban heat and circular economy.

This motion calls for reforms to the Victorian Planning System that give greater weight to environmental sustainability criteria in the assessment process.

Officer Recommendation & Suggested Council Position		
Director City Development: This motion aligns with Council's position on improving environmental sustainability in planning outcomes noting that Council is a CASBE member and is seeking approval for the CASBE elevating targets Planning Scheme Amendment.		
Suggested Position ⊠ Support □ Not Supported		

Motion 10. Aligning the Victorian Planning Framework to Government Climate Change

Policy_(C4)

Strategic Priority motion

Submitting Council: Mitchell Shire Council

Motion:

That the MAV calls on the State Government to conduct a comprehensive review of the Victorian Planning Framework to better align with the State's current stance on climate change mitigation and prevention of heat island effect. Opportunities to do this include progressing with the amendment to introduce elevating ESD targets in the planning scheme project, and enabling greater control over percentages of adequate private and public tree canopy coverage.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
3	Strategy Priority 4: Changing climate and a circular
	economy
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

The Victorian Planning Framework directs and informs a range of key outcomes for planning and development. Considering the ever increase impacts of climate change it is essential that the Framework aligns with the State's Climate Change policies and actively works to prevent the heat island effect. The elevating ESD targets in the planning scheme.

Rationale

Planning and development have a significant role in addressing and responding to the increasing impacts of climate change. As climate change continues to pose significant challenges, it is essential that the planning framework clearly aligns with policies and strategies to mitigate the impacts of climate change.

Urban heath islands occur where development replaces green or open spaces with concentrations of buildings, roads or other hard surfaces. The effect increases localised temperatures and negatively impacts the health and wellbeing of communities. It is essential that the Victorian Planning Framework actively considers and requires the implementation of efforts to minimise this effect.

A review of the Victorian Planning Framework is required to ensure that suitable provisions are included to enable better, more climate responsive outcomes. This review should be wholistic and include the broad range of potential solutions, including percentages of public and private green space and tree canopy cover, and any other effective measures which align with current climate change policies and strategies.

Officer Recommendation & Suggested Council Position		
Director City Development: This motion aligns with Council's position on improving environmental sustainability in planning outcomes.		
Suggested Position ⊠ Support □ Not Supported		

Motion 11. Windfall Gains Tax (C5)

Strategic Priority motion

Submitting Council: Northern Grampians Shire Council

Motion:

That the MAV calls on the Victorian State Government to revoke application of the Windfall Gains Tax in rural communities. The tax serves as a significant disincentive for rural councils to implement appropriate strategic planning measures to ensure provision of adequate residential, commercial, and industrial land for future development and further disengages commercial developers from rural markets leading to substantial market failure.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	Strategy Priority 3: Well-planned resilient built environment	
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		0

Significance to local government

The tax serves as a significant disincentive for rural councils to implement appropriate strategic planning measures to ensure provision of adequate residential, commercial, and industrial land for future development and further disengages commercial developers from rural markets leading to substantial market failure.

Rationale

The tax serves as a significant disincentive for rural councils to implement appropriate strategic planning measures to ensure provision of adequate residential, commercial, and industrial land for future development and further disengages commercial developers from rural markets leading to substantial market failure.

Housing is consistently raised as the biggest barrier to economic growth. Investment in residential and commercial development is critical to leveraging opportunities and unlocking the potential in rural areas. In particular, renewed investment in housing is needed to meet existing shortfall in housing diversity and to enable planned business expansions. If current housing supply trends continue, it is estimated that there will be shortfall of 220 housing in Northern Grampians alone.

Slim profit margins (by comparison to larger regional centres and metropolitan areas) have long been among the barriers to securing the level of investment needed in housing development. The Windfall Gains Tax (WGT) has exacerbated this issue, acting as a further disincentive to rezoning and development.

The application of the Windfall Gains Tax in rural areas will disengage commercial developers from rural markets and will lead to substantial market failure and the deterioration of life in rural communities.

Director Response & Suggested Council Position	
Director Corporate Services:	Director City Development:
See Motion C5 for comments	See Motion C5 for comments
Suggested Position ☑ Support □ Not Support	Suggested Position ☑ Support □ Not Support

Motion 12. Call to revoke Windfall Gains Tax in rural Victoria (C5)

Strategic Priority motion

Submitting Council: Ararat Rural City Council

Motion:

That the MAV calls on the Victorian State Government to revoke application of the Windfall Gains Tax in rural communities.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?	

The tax serves as a significant disincentive for rural Councils to implement appropriate strategic planning measures to ensure provision of adequate residential, commercial, and industrial land for future development and further disengages commercial developers from rural markets leading to substantial market failure.

The intention of the motion is to call on the MAV to lobby the Victorian State Government to revoke the Windfall Gain Tax (WGT) in rural municipalities. The WGT has significant unintended consequences on the viability and future growth of rural communities. The two critical impacts are: acting as a disincentive around land development and; negatively impacting Councils' capacities to undertake appropriate strategic land use planning to ensure long term access to residential, industrial, and commercial land supply.

This is most evident when seeking to make provision for residential, industrial, or commercial growth. This growth will most likely to take place through rezoning farmland resulting in significant economic uplift and a subsequent levying of WGT. This will result in two key impacts:

It will provide an additional disincentive for developers to engage in rural communities. Already faced with smaller margins on development, thin markets and partial market failure, the imposition of a WGT will create an environment stifling investment.

It will act as a significant disincentive for Councils to undertake strategic planning scheme review and rezoning to make provision for future growth and development. This will create a current impost on affected rural landowners for future, potential uplift in land value. This will lead to short-term thinking about rezoning and land availability.

There was a Motion at the previous MAV State Council meeting in relation to the WGT. That motion related to how levied funds would be distributed rather than revocation in rural municipalities. The two motions are significantly different in content and intent.

Director Response & Suggested Council Position	
Director Corporate Services:	Director City Development:
See Motion C5 for comments.	See Motion C5 for comments
Suggested Position	Suggested Position
☑ Support ☐ Not Support	☑ Support ☐ Not Support

Motion 13. Addressing Windfall Gains Tax in rural areas (C5)

Strategic Priority motion

Submitting Council: Towong Shire Council

Motion:

That the MAV advocate to the State Government to:

Exempt properties within rural municipalities from incurring Windfall Gains Tax should the properties be rezoned from Rural Activity Zone to Rural Living Zone to ensure development and growth in rural municipalities is not stifled because the Windfall Gains Tax makes development cost prohibitive;

Exempt townships in rural municipalities where there is limited availability of developable land from Windfall Gains Tax, to ensure development in rural townships is not cost prohibitive; and

Should exemptions for rural municipalities not be granted, redirect any Windfall Gains Tax collected within rural municipalities to the communities from where the tax was collected.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?	

The WGT applies to specific zones with many exemptions for residential and growth areas of Melbourne. The equivalent exemptions do not apply for rural areas where the most significant proportion of land surrounding townships is zoned Rural Activity Zone.

WGT is likely to impact residents in rural municipalities in the following ways:

- Much of the developable land that is fit for housing and generally poorer-quality agricultural land is currently zoned Rural Activity Zone and located immediately surrounding or near to townships. Rezoning to Rural Living Zone from Rural Activity Zone will trigger the WGT;
- There is a lack of distinction between the potential for a large-scale development and a small-scale development within the existing design of the WGT;
- The additional cost to developers may make the prospect of developing in rural areas cost
 prohibitive. This will undermine our ability to make our towns more sustainable through smallscale growth;
- The WGT doesn't consider the level of previous rezoning in a municipality and its relationship to the resources available for strategic planning;
- Most residents cannot afford the Tax and may be forced to sell their land. This may
 inadvertently destroy long-standing family connections with the community and the land; and
- There is no requirement for the collected WGT to be spent in the community where it is levied.
 This undermines the ability of communities to have critical infrastructure built to shore up their future, particularly for essential services such as potable water and sewer.

Director Response & Suggested Council Position	
Director Corporate Services:	Director City Development:
See Motion C5 for comments.	See Motion C5 for comments
Suggested Position	
Support □ Not Support	Suggested Position
	Support □ Not Support

Motion 14. Improved Community Access to Underutilised Land and Broader Community

Open Space Needs (C6)

Standard Priority motion

Submitting Council: Glen Eira City Council

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?	

Planning for projected population growth in municipalities across Victoria and the increasing open space requirements for their communities is a major challenge for most councils. Acknowledging the varying degrees of open space availability is important to ensure equitable access to open space for all residents. For example, Glen Eira's population is expected to grow to more than 180,600 by 2036 but Glen Eira has the lowest amount of open space per capita in metropolitan Melbourne.

Open space is highly valued by communities across Victoria, and our parks are places where communities meet, build relationships, and strengthen their ties to the neighbourhood. We need the Victorian Government's support to unlock and create more open space to accommodate the evolving needs and expectations of our vibrant and growing community. This involves developing and creating spaces with a mix of passive and active areas that are inclusive, fit-for-purpose, and flexible. More open space will foster healthy, happy and engaged neighbourhoods across our state, where people want to live now and into the future.

Open space can play a role in mitigating the effects of climate change, build resilience and overall well-being of communities. These spaces serve as a natural buffer against extreme weather events, absorbing excess rainfall and reducing the risk of flooding. Moreover, well-designed open spaces can act as green corridors, fostering biodiversity and providing habitats for wildlife that support ecosystem health and adaptation.

It's increasingly difficult for local government alone to increase open space provision. This is because:

- the cost of creating new open spaces is increasing, with inflation, increasing property values and ballooning cost of materials and labour;
- some state transport projects reduce open space, such as the Northeast Link Project, which will result in the loss of seven hectares of open space;
- the funding we receive through the Subdivision Act isn't going as far to purchase land for open
- 'build to rent' projects often aren't subdivided creating more demand with fewer returns; and
- housing prices are a barrier to increasing contributions over new development targeted toward

A lack of available space is also presenting significant challenges for sporting clubs and their ability to expand their activities and accommodate new members or teams. As open space reaches its capacity, it limits the opportunities for individuals who want to engage in sport and recreation.

Many councils in Victoria face financial constraints in acquiring and developing new open spaces, so they need to partner with the Victorian Government to create parks and open space infrastructure to meet the needs of our growing populations. The Victorian Government needs to commit to adopting a whole-of-

government approach to address the open space needs of all councils in Victoria. Given the financial constraints of the Victorian Government, this needs to be through policy reform, not just funding streams.

Mandating higher minimum public open space requirements as part of any state-approved planning proposal will:

- provide a proactive approach to creating healthier, more sustainable and enjoyable communities;
- support Council with policy that reflects a commitment to the well-being of residents and the environment:
- play a crucial role in preserving natural habitats and biodiversity; and
- help provide equitable access to green space, regardless of economic status.
- Reforming joint-use agreements to provide greater public access to public school grounds to meet broader community open space needs will:
- offer a viable solution to this problem, particularly since many school sites and facilities are situated
 in areas that lack open space;
- motivate schools to allow community access, particularly for after-hours access, when there is
 potentially less interruption for schools; and
- secure community access to open space using a collaborative approach.

Ensuring greater local government involvement in Victorian Government planning decisions to identify new opportunities for open space, particularly as part of large infrastructure projects will:

- ensure that those directly affected by projects have a say in identifying open space needs for the
 area. Local governments are the closest to the communities they represent. By involving them in
 planning decisions, it fosters a more participatory decision-making process and leads to solutions
 that better reflect the needs of the people;
- enhance liveability, as large infrastructure projects often have a significant impact on local landscapes. Open space is crucial to include in planning for these projects to enhance liveability. This can include urban green corridors with shared trails, recreational facilities or pocket parks;
- guide future development and preservation efforts, as including councils in open space planning
 improves the likelihood of incorporating sustainable principles into the decision-making process,
 which factors in local council infrastructure and available service offerings. This can include
 considerations for green infrastructure, water management, and energy-efficient designs; and
- ensure that a 'value add' is considered and committed to at the early stages of planning.

Director Response & Suggested Council Position	
Director City Development:	
As per previous comment – C6	
Suggested Position ⊠ Support	□ Not Support

Motion 15. Open Space within metropolitan Melbourne (C6)

Standard Priority motion

Submitting Council: Port Phillip City Council

Motion:

That the MAV:

- Notes ongoing concerns regarding the provision of open space in developing areas and that established open space frameworks, like Fishermans Bend, be honoured in any future State Government planning changes; and
- Notes that open space remains a critical consideration in developing our State to ensure liveability and to promote good health of residents.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
	Strategy Priority 3: Well-plannoresilient built environment	ed, connected and
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		No

Open Space ensures communities are liveable for residents. Properly planned open space can offer economic benefits for traders, social benefits for dog walkers and families, health and wellbeing benefits for sports players and runners and environmental benefits for our municipality and our State.

As areas of our state further develop and our population within Metropolitan Melbourne continues to grow, the availability of and commitment to further open space must remain a key consideration for State Government and stakeholders.

Director Response & Suggested Council Position	
Director City Development:	
As per previous comment C6	
Suggested Position ⊠ Support	□ Not Support

Motion 16. Proposed planning reforms (C7)

Strategic Priority motion

Submitting Council: Yarra City Council

Motion:

That State Council call on the State Government to:

- Ensure that any proposed changes to planning powers should be done in direct consultation with the local government sector.
- 2. Ensure planning powers for local planning decisions remain in the hands of local governments to guarantee the best planning decisions for their communities, present and future.
- 3. Provide a commitment that, if a reform package is pursued, it will not cost shift to the local government sector.
- Ensure that any reforms protect the voice of community who deserve to have a say in what directly
 affects their homes and shapes their municipality.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	Strategy Priority 3: Well-plann resilient built environment	·
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		No

Yarra City Council is concerned over reports that a reform package to streamline and fast track developments may be reconsidered by the State Government to address the housing crisis. Council wants to ensure that any considerations to reduce or diminish council planning powers is avoided and extensive consultation with the sector is conducted before reform decisions are made. Taking planning powers away from councils removes the voice of community who deserve to have a say in what directly affects their homes and shapes their municipality.

According to data collected by the Department of Transport and Planning, local governments have approved more than 85% of planning applications in the current financial year with refusals only making up about 3% of total applications. Specifically, Yarra City Council refusals only make up 2% of all planning applications received.

Council would like to reaffirm that local governments are best placed to make planning decisions for their communities due to their extensive and nuanced knowledge of local areas and will act in the best interests of current and future residents. Any proposed changes to planning powers should be done in direct consultation with the local government sector.

Director Response & Suggested Council Position		
Director City Development: This motion is consistent with the thrust of Council's position in relation to statutory planning decision making.		
Suggested Position ⊠ Support	□ Not Support	

Motion 17. Keep Local Democracy on Planning Decisions (C7)

Strategic Priority motion

Submitting Council: Mansfield Shire Council

Motion:

That the MAV advocates to the Victorian Government to not implement IBAC Recommendations 10 and 11 from the Operation Sandon Report due to fact that this would take away the ability of local communities to exercise their democratic rights on local planning matters that may impact on them.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 5: Sector capability and good governance
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?	

The Minister currently has the power to call in planning items and there is an established Planning Panel process.

Replacing permit application decisions being decided in the Council chamber, with an independent panel process that is removed from the local context would:

- Remove council's accountability to the community on planning matters.
- Leave communities thinking they can influence through council, when they cannot.
- Would damage local democratic processes, whereby the community can have an influence through their council's consideration of contentious matters.

Director Response & Suggested Council Position		
Director City Development:		
This motion is consistent with the thrust of Council's position in relation to statutory planning decision making.		
Suggested Position Support	□ Not Support	

Motion 18. Public Library Grants - Erosion of Library Services to Community (C8)

Standard Priority motion

Submitting Council: Maroondah City Council

Motion:

That the MAV:

- 1. Notes the State Government Grants for public libraries are frozen at 2022/23 levels;
 - a. that this means funding for public libraries is effectively being further cost-shifted onto Local Government:
 - that Local Government now bears 80% of the cost of this invaluable community service because of cost shifting; and,
- 2. Calls on the Victorian Government to commit to:
 - a. not place additional responsibilities on local government without a sustainable revenue stream to support them;
 - revisit this recent decision that has resulted in further cost-shifting onto local government;
 and
 - c. restore the level of public library funding by increasing the 2023/24 public library grant to the original partnership arrangements of equal 50/50%.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
MAV Strategy 2021-2025 Priority or 'Other – Of significance to Local Government'	MAV Strategy Priority 1: Economically sound councils
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

The sector's understanding is that in the 1970's State Government and Local Government funding contributions to Council-run Library services was on a 50/50 shared basis.

Over time the State Government share of operating grant contribution has been decimated with an overall decline in State Government funding of 11% from the 1970's to 1986/86 and a further 19% between 1985/86 to 2023/24 financial years.

#Funding Contribution %	1970's	^1985/96	*2008/09	^2023/24
State Government	50	39	23	20
Local Government	50	61	77	80

[#]Includes State Government grant and Council funded contribution, not including operating income

In recent years, the State Government has driven the move from Regional Library Corporations to Beneficial Enterprises using the Local Government Act 2020. The Eastern Regional Libraries has instigated and is the second in the State to achieve that State Government direction, however as outlined in continual MAV motions over the past number of decades, the most recent outlined below, the State Government grant contributions have and do not support this State Government Policy direction and legislative requirements:

^{*} All Victorian Public Libraries Source: pp 22, Dollars, Sense and Public Libraries, State Library of Victoria (March2011)

[^]Eastern Regional Libraries Corporation/Your Library Limited

13 May 2016 - Public Library Funding

That the Municipal Association of Victoria continue to press and lobby the Victorian Government for improved recurrent and capital library funding, including the urgent review of the current funding mechanisms to return to an equitable funding model between local and State Government.

19 May 2023 - Regional Library Corporation Transition

That the MAV:

- 1. Notes that regional library corporations are largely funded by their member Councils.
- Notes that the Local Government Act 2020 requires existing regional library corporations to be wound up by 30 June 2031, which is 10 years after the commencement of section 110 of the Act.
- 3. Notes that the cost to transition to an alternate management model may be significant and will be borne by the regional library corporations and their member Councils.
- Supports regional library corporations and their member Councils to advocate to the Victorian Government for resources, both financial and other support, to transition to alternative model.

14 October 2022 - Extension of public library funding for programs, reduction of poker machine hours

That the MAV State Council:

- notes with concerns that Victoria has approximately 500 poker machine venues which collectively
 are expected to drain more than \$3.2 billion from gamblers in 2022 with many of these losses
 occurring at un-sociable hours because more than 100 of these venues operate the legally
 maximum 140 hours a week or 20 hours a day.
- contrasts this with the 291 public libraries in Victoria, many of which are open less than 40 hours a
 week, partly because State Government funding of council-owned libraries has steadily fallen to
 below 20% of the cost, despite the constraints imposed on councils by rate-capping over the past 6
 years.

At a recent Your Library Board meeting the Member Council Directors agreed to instigate advocacy actions to ensure the State Government is aware that the current funding is inadequate.

Director Response & Suggested C	Director Response & Suggested Council Position	
Director Community Wellbeing:		
Consistent with YPRL position.		
Suggested Position Support	□ Not Support	

Motion 19. Victorian Government Funding of Public Libraries (C8)

Standard Priority motion

Submitting Council: Knox City Council

Motion:

That the MAV call on the Victorian Government to reverse its decision to freeze the level of grants for public libraries in 2023/24 and commit to restoring its funding contribution to 50% of the service cost.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 1: Economically sound councils
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

The motion aligns with the MAV strategic priority of 'economically sound councils' and is of significance to local government because of the role councils across the State play in operating library services, either directly or through library corporations / beneficial enterprises.

Rationale

The Victorian Government has advised that its funding for library services in 2023/24 will be held at 2022/23 levels, with no indexation to reflect the increasing costs of service provision. This follows an increase in funding of just 2% in the 2022/23 year. Across these two years, the Victorian Government's funding increase of 2% compares with an estimated increase in CPI of around 10%.

This reduction in the Victorian Government's share of library funding continues a downward trend that has existed over many years. Historically, the Victorian Government and local governments shared the cost of providing library services on a 50/50 basis. Cost shifting over time has now resulted in the Victorian Government's share of funding reducing to around 20%, and local government's share increasing to around 80%. With local governments increasingly subject to constrained finances in a rate-capped environment, it will simply not be possible to maintain service levels in this critical community service.

Director Response & Suggested Council Position	
Director Community Wellbeing:	
Consistent with YPRL position.	
Suggested Position ⊠ Support	□ Not Support

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Motions considered to align with the MAV Strategy by advancing whole of sector policy positions and/or advocacy activities.

Motion 20. Candidate resources for 2024 Local Government elections

Submitting Council: Baw Baw Shire Council

Motion:

That the MAV advocate to the Victorian Government and Local Government Victoria for greater resources and training to build capacity of future candidates in the lead up to the 2024 Local Government elections.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 5: Sector capability and good governance
Is the motion repetitive in a form or substance of a methe most recently held meeting of the State Council?	otion or item considered at No

It was clear in the 2020 Local Government Elections that candidates were insufficiently equipped to campaign effectively and were insufficiently prepared to take on the role of Councillor once elected. Data relating to complaints made during the election period and the number of Councillor resignations (44 to date) throughout the current term. Adequate resources will better prepare Councillors for campaigning and to take on the role of Councillor if elected.

Director Response & Suggested Council Position

Executive Office:

Greater training provided to all Victorian general election candidates is imperative to strong democracy and municipal representation. As candidate numbers have increased over the years across Victoria, the greater importance should be placed on resource support and adequate training. Recommendations that arose out of IBAC's Operation Sandon Special Report reiterate that robust and thorough candidate training is critical to mitigate the risk of poor conduct and lack of understanding of the role of a Councillor. Greater resources will assist Candidates in understanding the magnitude, breadth and depth of a Councillor role and increase the chance of them being set up for success as a compliant and effective Councillor.

Suggested Position ☐ Support	□ Not Support

Motion 21. Increasing amount and diversity of housing stock in Victoria Submitting Council: Mitchell Shire Council

Motion:

That the MAV advocate for the State to conduct an in-depth examination of a range of strategies to streamline the existing planning processes and explore alternative approaches to increase and diversify the housing stock across Victoria.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a methe most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

The current housing crisis is highlighting the serious state-wide lack of affordable housing. A detailed examination of the current Victorian Planning Framework could identify ways in which the availability and diversity of housing stock could be increased.

Rationale

Victoria is currently dealing with a housing crisis which is impacting communities state-wide. Coupled with increased cost of living due to the ongoing impact of inflation, many families across the state are struggling to find appropriate, affordable accommodation.

The Victorian Government has a responsibility to review the existing planning processes to consider opportunities to alleviate any impediments in the process. This review should focus on the twin principles of increasing both supply and diversity. This would support better outcomes with regards to the issue of both affordable and appropriate housing.

One opportunity may be for the development of a single unified planning framework. A single unified planning framework would set a standardized approach towards establishing a more diverse and acceptable housing typology based on the key criteria of being social, sustainable, and affordable. Without such a framework, the current system between state and local government is disjointed, and confusing for a range of key stakeholders including developers, landowners and community housing providers.

Director Response & Suggested Council Position

Director City Development:

The State has now released Victoria's Housing Statement and associated Planning Scheme Amendments designed to increased housing supply in activity centres with access to public transport. This is a strong first step towards achieving this motion but more could be done to target housing diversity and housing quality and sustainability so this motion is supported.

Suggested Position Support □ Not Support	

Motion 22. Targeted approaches to delivering Maternal Child Health services Submitting Council: Yarra Ranges Shire Council

Motion:

That the MAV advocate to the Victorian Government for a Maternal Child Health Services policy that supports local government to implement a targeted service approach, as funding models and workforce challenges are preventing delivery of the full-service model.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	MAV Strategy Priority 2: Health communities	
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at	No

The State Upper House will soon be undertaking an Inquiry into Local Government Finances.

A key component of the inquiry will be to examine councils' capacity to undertake statutory obligations, including Maternal Child Health (MCH) services.

There are persistent challenges facing MCH services, including chronic workforce shortages and unsustainable funding models that have increasingly shifted costs onto Councils, alongside increased obligations.

While the sector has advocated on these issues, in line with recent MAV State Council resolutions, the Victorian Government has not effectively addressed them.

For instance, the sector has advocated for an increase to Key Age and Stage (KAS) consultation times to accommodate the substantial volume of additional requirements introduced over the past decade, as well as restoration of the universal 50:50 funding agreement. While the Victorian Government confirmed an increase to consultation hours from 6.75 to 8 in the 2023-24 Budget, it has not increased the MCH unit cost. As such, there remains a growing cost gap for councils and strain on an already stretched workforce.

Given these challenges, it is critical that the inquiry considers:

- The changing policy context for MCH services,
- Developing a policy or framework that provides:
 - flexibility, and enables Councils to implement targeted service approaches that prioritise access to families likely to gain the greatest benefit, and
 - direction and support to maintain services through other innovative means, such as reallocating some KAS responsibilities to kindergarten services with the expansion of three-year-old kinder.

It is our recommendation that the MAV elevate these critical services challenges and innovation opportunities through the process of the inquiry, so that councils can continue to deliver quality services that are sustainable into the future.

Director Response & Suggested Council Position
Director Community Wellbeing:
Banyule City Council Maternal and Child Health Service has also identified an imbalance and cost shift from the 50:50 funding model. Whilst we understand that a review of the service is currently underway it will still be some years before all recommendations are implemented. Funding secured over the next four years from the recently released State budget will be rolled out to address consultation length and to respond and support client complexities, but this will not fully address the funding imbalance.
Suggested Position Support □ Not Support

Standard priority motions

Motions considered consistent with sector roles and responsibilities, are significant to whole sector and relevant to current policy and advocacy activities at state and commonwealth level.

Motion 23. Alternate approval pathway for pedestrian works

Submitting Council: Yarra City Council

Motion:

That State Council call on the State Government to give councils an alternative approval pathway for certain types of pedestrian works in line with recent changes to transport delegations in NSW, including for:

- a) works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes);
- b) continuous footpaths;
- c) converting existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings;
- d) mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points;
- e) pedestrian crossings;
- f) pedestrian refuges;
- g) 'No Stopping' controls at intersections;
- h) kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes);
- kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes); and
- j) associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

In February 2023, Transport for NSW issued a temporary delegation of its powers under the Roads Act 1993, and an authorisation under the Road Transport Act 2013, to give councils an alternative approval pathway for certain types of pedestrian works.

- works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes)
- 2. continuous footpaths
- 3. converting existing zebra crossings to raised wombat crossings
- mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points

- 5. pedestrian crossings
- 6. pedestrian refuges
- 7. 'No Stopping' controls at intersections
- 8. kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes)
- 9. kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes)
- associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.

In Victoria, the Department of Planning and Transport requires councils to obtain sign off on many pedestrian works, including those listed in this notice of motion. This causes significant delays in the implementation of much needed pedestrian infrastructure, including on projects that have already been through rigorous design and consultation at the council level, and that are funded by local residents and ratepayers through the council budget.

Projects in the City of Yarra, and other councils, have been delayed by months, and are often delayed by up to a year. The current approval process prevents councils from taking timely action to make their streets safer and more walkable.

Director Response & Suggested Council Position

Director City Development:

Agree with the motion. Things get held up because of red tape quite often. The Road Management Act makes Council directly responsible for certain things but then requires approval to be sort from DTP. Anything that speeds up the process around implementation of infrastructure improvements that Council is responsible for managing is supported.

Motion 24. Bus Network Reforms

Submitting Council: Manningham City Council

Motion:

That the MAV:

- 1. Requests the Victorian Government deliver the actions in accordance with the timeframe committed to in the Victorian Bus Plan.
- 2. Requests the Department of Transport and Planning collaborate with councils on the proposed network plans in the Bus Network Reform Pilot Projects.
- 3. Requests the Victorian Government commit funding to deliver the Bus Network Pilot Projects.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Melbourne's bus network carries around 135 million passenger per year on more than 400 bus routes. Buses are the closest public transport mode for Melbournians, with over 80% of homes being within 400 metres of a local bus route.

The State Government acknowledges the important role of buses in the public transport system. On 13 June 2021 Transport Minister Ben Carroll MP launched the Victorian Bus Plan ("Plan"). The Plan identifies actions to deliver a modern, productive, environmentally sustainable bus network that increases the number of passengers.

To help inform the bus network reform, the Department of Transport and Planning undertook consultations in late 2022 for pilot projects in Melbourne's northern suburbs, Melbourne's north-eastern suburbs and Mildura. The findings were released in May 2023, via the Victorian Bus Reform consultation summary report. Common themes included a need for more frequent bus services, improved reliability and better connectivity to other suburbs, trains, and activity centres. Manningham, the only Melbourne municipality not served by trains or trams, was among the first areas to have their bus service reviewed.

Director Response & Suggested Council Position
Director City Development:
Council has a number of advocacy positions of the review and implementation of bus routes and services. We are included in the north east Bus Network Reform Pilot Projects area. Suggested Position Support Not Support

Motion 25. Changes to the Victorian Planning Provisions in relation to the use of car

stackers

Submitting Council: Kingston City Council

Motion

That the MAV urgently request the State Government to make changes to the Victoria Planning Provisions and prepare a new Planning Practice Note to provide clear policy direction aimed at improving the design, useability, specifications, and accessibility of car stackers.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Kingston City Council is concerned in relation the useability, functionality and design of car stackers within new developments. In February 2023 Council wrote to all metropolitan Councils seeking feedback in relation their experiences in relation the use of car stackers.

Overwhelmingly the feedback provided by other Councils has indicated a range of common issues relating their use, functionality and operation. This includes a lack of DDA compliance, no ability to provide for EV charging, reliability and maintenance concerns and low usage once installed.

The Victoria Planning Provisions should be amended, or new Planning Practice Note prepared to provide clear direction addressing these issues and to ensure that the provision of car stackers is not seen simply as a means of achieving an arbitrary car parking rate within a new development at the expense of future residents.

Director Response & Suggested Council Position			
Director City Development: A number of proposals in Banyule on constrained sites continue to rely car stackers and further guidance on this infrastructure us supported.			
Suggested Position Support □ Not Support			

Motion 26. Golf Course Land Planning Guidelines

Submitting Council: Kingston City Council

Motion:

That the MAV request the Victorian Government to review the Planning Guidelines for the Conversion of Golf Course Land for other Purposes, and their practical application.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Kingston City Council has concerns regarding the useability of the Golf Course Guidelines and consider they are not an efficient or adequate tool for assessing golf course rezoning proposals. The Guidelines provide additional steps to the consideration of planning scheme changes, with no demonstrable benefit. Council has identified several issues which require further consideration:

- The Guidelines do not provide sufficient weight or consideration of the role that Golf Course land can play in contributing to open space networks, projects that assist in addressing the State Government renewable energy targets and opportunities to counteract the urban heat island effect.
- The Guidelines are unable to properly guide decision making for proposals that can have significant impacts on environmental values associated with golf course land.
- The Guidelines do not provide sufficient direction on how proponents properly demonstrate a need for conversion of the land, including that the land is surplus to golfing in a range of the contemporary forms in which it is increasingly being presented.
- The Guidelines require community consultation to be undertaken when its likely that the proponent has already predetermined the optimal development outcome that they are likely to pursue.

Director	Resnonse	& Suggested	Council	Position

Director City Development:

Golf Courses do provide significant opportunities to counter urban heat island effects but do not provide the best environmental benefits due to their dominance of grass (as opposed to indigenous vegetation) and reliance on irrigation.

There should be clear guidance for how to reap the maximum community benefits from under-utilised golf courses. It is unclear what this specific motion is seeking to achieve but it's primary intention seems to want to prevent ready transition of golf courses into residential estates which as a principle is strongly supported.

Suggested Position ☐ Support	☐ Not Support		

Motion 27. Maintenance of Freeway and Arterial Roads

Submitting Council: Kingston City Council

Motion:

That the MAV urgently request the State Government to ensure that Freeways and Arterial Roads, for which the Department of Transport Planning (VicRoads) are responsible, are maintained to an appropriate level of service.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Kingston City Council is concerned about the condition of Freeways and Arterial Roads. Since mid-2022, the condition of many Freeways and Arterial Roads have dramatically deteriorated. Many serious surface defects are left untreated which can lead to vehicle damage and/or accidents caused by motorist attempting to navigate around these defective areas.

Director Response & Suggested Council Position		
Director Assets & City Services:		
The motion aligns with Council officer position that increased maintenance on arterial roads is required.		
Suggested Position ☐ Support	□ Not Support	

Motion 28. Strengthening the RRV Roads Management Plan

Submitting Council: Mitchell Shire Council

Motion:

That the MAV advocate to the State Government to strengthen the RRV Roads Management Plan to achieve higher standard outcomes which are expected by communities, including an increased focus on drainage.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m- the most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

The State Government has a responsibility to provide safe and resilient roads, State-wide. The current RRV Roads Management Plan fails to meet community standards and should be strengthened.

Rationale

The 2022 Victorian Flood event was a devastating event which highlighted vulnerabilities across numerous domains. High amongst the flaws exposed was the weakness and condition of the State's Road network.

The RRV Roads Management Plan is a key driver for the management and maintenance of roads across Victoria. Despite its importance, the current plan fails to meet community expectations. Communities highlight the proliferation of potholes and other deterioration on State owned and managed roads.

The RRV Roads Management Plan needs to be strengthened to improve the maintenance and management outcomes for the state's road network. Any changes to the Management Plan should include an increased focus on drainage.

A strengthened Management Plan would provide Victoria with safer, more resilient roads. This will provide ongoing benefits for communities and help to ensure that our roads are more prepared for future emergency events.

Director Response & Suggested Council Position

Director Assets & City Services:

Whilst Regional Roads Victoria is not directly relevant to Banyule, the motion aligns with Council officer position that increased maintenance on arterial roads is required.

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Motion 29. Council Compliance Framework uniformity in Victoria

Submitting Council: Port Phillip City Council

Motion:

That the MAV:

- Lead a coordinated approach to development of a regulatory and compliance framework and technology to support Victorian councils to effectively respond to their extensive and diverse legislative compliance requirements in an efficient manner.
- 2. Consider previous examples such as Queensland in the development of such a framework.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
	Strategy Priority 5: Sector capability and good governance
Is the motion repetitive in a form or substance of a m- the most recently held meeting of the State Council?	otion or item considered at No

Every year, Victorian councils are required to comply with many legislative requirements alongside changes to various regulations, government policies and guidelines and internal standards.

Under the *Local Government Act 2020*, the Audit & Risk Committee have a responsibility to monitor the compliance of Council policies and procedures with the overarching governance principles, the Act and the regulations and any Ministerial directions and any other relevant laws and regulations.

Currently, there is no Victorian State guidance from the MAV for Councils on setting up a Local Government Compliance Framework. An agreed legislative compliance approach would enable all Victorian Councils to promptly identify issues, manage risk and assure accountability. Effective legislative compliance supports good decision-making and is driven by a compliance culture with controls across key compliance focus areas. In Queensland, the Local Government Association of Queensland have provided guidance for all Councils through a Legislation Compliance Service.

Director Response & Suggested Council Position

Director Corporate Services:

As highlighted in the Corporate Services efficiencies, opportunities and challenges presentation, regulatory compliance continues to create an administration burden particularly in the provision of compliance reporting. We would like to see the consolidation of reporting and effective solutions to comply with reporting obligations.

Suggested Position □ Support	□ Not Support	

Motion 30. Maggolee partnership and advocacy for local government's involvement in

Treaty implementation

Submitting Council: Moonee Valley City Council

Motion:

That the MAV:

- 1. Assists in the promotion of the Maggolee website (https://www.maggolee.org.au/) and resources to the MAV membership.
- 2. Through the Maggolee partnership, help produce model policies and best practice guidelines on Local Government changes relating to issues affecting Aboriginal and Torres Strait Islander people with statewide relevance, consistent with the Treaty negotiation framework, Self-determination, and State Government policy and legislation.
- 3. Establish a relationship with the First Peoples Assembly of Victoria, as the lead body for negotiating statewide Treaty, and keep the membership informed of the progress of Treaty negotiations and in particular where Treaty outcomes may involve Local Government in their implementation.
- 4. Request the Victorian Government involve Local Government as early as possible in designing a Treaty implementation program aimed at supporting positive local outcomes.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
, , , , , , , , , , , , , , , , , , ,	MAV Strategy Priority 2: Healthy, diverse and thriving communities
Is the motion repetitive in a form or substance of a methe most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

Maggolee partnership will help produce model policies and best practice guidelines on Local Government changes relating to issues affecting Aboriginal and Torres Strait Islander people with statewide relevance.

MAV's establishment of a relationship with the First Peoples Assembly of Victoria will keep the membership informed of the progress of Treaty negotiations.

Call for MAV's advocacy to the State Government to involve the local government sector in designing a Treaty implementation program aimed at supporting positive local outcomes in the sector.

Rationale

Promotion of the Maggolee website and resources will assist local government sector in the journey of reconciliation and making positive changes relating to issues affecting Aboriginal and Torres Strait Islander people with statewide relevance.

The motion also calls up MAV as the peak body of the sector to establish a relationship with the First People Assembly of Victoria and advocate to the Victorian Government for local government sector's involvement in designing a Treaty implementation program aimed at supporting positive local outcomes in the sector.

Director Response & Suggested Council Position	
Director Community Wellbeing:	
Aligns with Banyule City Council endorsement of the Uluru Statement from the Heart.	
Suggested Position Support	□ Not Support

Motion 31. Maintenance of state-managed roads

Submitting Council: Wodonga City Council

Motion:

That the MAV calls on the Victorian Government to:

- Allow for closer collaboration between the Department of Transport and Planning, Regional Roads Victoria and local councils to ensure consistent intervention levels, standard of maintenance and response times for state-managed roads; and,
- 2. Put in a place a process for the inspection and maintenance of road surfaces to be undertaken by local councils, should they choose to do so on behalf of the department, under an indexed full cost recovery model.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m- the most recently held meeting of the State Council?	otion or item considered at No

Director Response & Suggested C	Council Position
Director Assets & City Services:	
Council officers support any opport maintenance of arterial roads.	tunity for closer collaboration between Council and DTP with respect to the
•	ance agreements between Council and DTP to include road pavements would likely perienced where Council supplements the cost of maintenance in delivering improved y DTP.
Suggested Position ⊠ Support	□ Not Support

Motion 32. Regional health services

Submitting Council: Wodonga City Council

Motion:

That the MAV calls on the Victorian Government to:

- 1. Ensure equal access to basic and emergency health care for communities in rural and regional areas;
- 2. Provide incentives to specialists across disciplines to work regionally and rurally;
- 3. Make a key priority for the government to retain of medical professionals and address the shortage of medical professionals in rural and regional Victoria; and,
- 4. Advocate to the federal government for increases in Medicare rebates for rural and regional doctors to ensure medical practitioners are adequately remunerated for their services.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 2: Healthy, diverse and thriving communities
Is the motion repetitive in a form or substance of a m- the most recently held meeting of the State Council?	otion or item considered at No

(Wodonga City Council has confirmed that a rationale will not be provided for this motion.)

Director Response & Suggested Council Position
Director Community Wellbeing: Not relevant to Banyule as we are a metropolitan council but this motion is still supported.
Suggested Position ☑ Support ☐ Not Support

Motion 33. Surplus state-owned land

Submitting Council: Wodonga City Council

Motion:

That the MAV calls on the Victorian Government to undertake rezoning where required and progress the immediate sale of all unused VicTrack and other state-owned land within town and city centres to:

- 1. Provide a source of revenue for the state;
- 2. Allow for private industry to rehabilitate and develop much needed housing and other commercial operations to continue CBD activation;
- 3. Open up potential sites to address commercial and industrial land shortages; and,
- 4. Ensure improved presentation of highly visible land.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
MAV Strategy 2021-2025 Priority or 'Other – Of significance to Local Government'	MAV Strategy Priority 1: Economically sound councils
Is the motion repetitive in a form or substance of a m- the most recently held meeting of the State Council?	otion or item considered at No

(Wodonga City Council has confirmed that a rationale will not be provided for this motion.)

Director Response & Suggested Council Position
Director City Development:
There are a number of under-utilised VicTrack owned parcels in Banyule. Their sale and appropriate redevelopment would assist to revitalise areas of Watsonia, Macleod and Rosanna so this motion is supported.
Suggested Position ⊠ Support □ Not Support

Motion 34. Funding advocacy for critical roads and bridges

Submitting Council: Strathbogie Shire Council

Motion:

That the MAV advocate to Victorian Government of behalf of rural and regional Councils to redirect funding previously allocated to the Commonwealth Games into critical road and infrastructure projects.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 3: Well-planned, connected and resilient built environment.
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Council identified motion as repetitive, and while there have been similar previous motions, MAV have identified none as the same.

This motion calls for the MAV to meet with the Premier and Minister for Local Government to urgently request a redirection of a significant portion of the funding previously allocated to the 2026 Commonwealth Games to critical roads and infrastructure projects in small rural and regional shires.

Rural shires like Strathbogie Shire have been devastated by the effect of ongoing wet weather and major flooding in October 2022. Not only have our roads been significantly impacted, but so too have the Victorian Governments Road network.

Strathbogie Shire now has road surfaces across the region which have deteriorated to a point they are impossible to navigate without significant reductions in speed. This is not just frustrating for the community; it is a safety concern.

Roads and infrastructure projects in rural and regional areas are not 'nice to have'.

Strathbogie Shire welcomes the Victorian Governments commitment to deliver a comprehensive \$2 billion package to regional Victoria and applauds the commitment of \$1 billion to social and affordable housing. While Council understands and wholeheartedly supports the significant benefits of sport in Strathbogie Shire and throughout Victoria, rural and regional communities need safe roads and bridges to get people there.

This motion calls for MAV to advocate to the Minister for Local Government and other relevant Ministers for a reallocation of funding earmarked for sporting upgrades, to critical roads and bridge projects in small rural and regional shires. Please make safe roads and bridges the lasting legacy for all Victorians.

Over the past three years the Strathbogie Shire Council has seen a substantial increase in extreme weather such as localised hurricanes, increased wind, increased rain events and a flood in October 2022.

The increase of rain due to three years of La Nina and the October 2022 flood event has seen the unsealed and sealed road network deteriorate at a higher rate than previously experienced.

Strathbogie Shire has 2,210km of roads – 1,465km unsealed and 748km sealed. Council also maintain and renew 521 bridges and major culverts. Maintenance and renewal of this extensive road network including culverts is a significant ask on a small rural Council, even when conditions are good.

Before the floods we had 227.68km of road that had been affected by ongoing wet weather requiring a resheet, equating to \$14,799,070 to restore it back to the condition it was three years ago.

Post flooding, we estimate the damage bill could be three times this amount – reaching as high as \$50 million.

Council officers are working around the clock, yet we are not keeping up.

We've been forced to enact the force majeure clauses in our Road Management and Tree Management plans. We simply cannot provide the service levels outlined in these plans.

The flood event also forced the closure of the historic Kirwans Bridge.

An engineers' report completed post flood has found the bridge is structurally compromised and not safe for use by vehicles.

The news has been devastating for the Kirwans Bridge community and users of the bridge. We know how important access across the bridge is to residents and visitors.

We're grateful that we've been working with a passionate group of residents, the Kirwans Bridge Community Panel, to identify the best long-term solution for the bridge.

Through this work, we have now identified, designed, and costed the preferred option that will ensure a long-term sustainable future for this essential bridge.

However, we need funding from government to make this community driven solution a reality. Roads and infrastructure projects in small rural and regional areas are not 'nice to have'. Roads and infrastructure projects in small rural shires like Strathbogie Shire are critical.

We need funding to ensure our roads are safe, our bridges are useable and we are more resilient in the future.

Director Response & Suggested Council Position	
Director City Development:	Director Assets & City Services:
Critical road and infrastructure projects should be funded across the entire state.	Whilst not directly relevant to Banyule, the motion aligns with Council officer position that increased maintenance on arterial roads is required.
Suggested Position	
⊠ Support	Suggested Position
□ Not Support	Support
	□ Not Support

Motion 35. Accessibility of Electric Vehicle Charging Infrastructure

Submitting Council: Merri-bek City Council

Motion:

That the MAV calls on the State Government to lobby the Federal Government to elevate and expedite the work to create access standards for people with disabilities seeking to use electric vehicle charging infrastructure:

- a) through active engagement and consultation with disability groups about standards for making EV charging infrastructure accessible to people with disabilities.
- b) by considering relevant standards, the National Construction Code and other guidance to ensure new electric vehicle charging infrastructure is fully accessible.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 2: Healthy, diverse and thriving communities
Is the motion repetitive in a form or substance of a methe most recently held meeting of the State Council?	otion or item considered at No

Electric vehicle charging infrastructure is a relatively new and rapidly developing area. To meet our carbon targets, in addition to encouraging more walking, cycling and public transport, Australia will require a dramatic increase in the number of public electric vehicle chargers. We must ensure that such infrastructure is fully accessible to people with a range of disabilities, and that poor practice is not locked in and deployed at scale.

This is a big issue which doesn't appear to have been thought about. Some EV charging stations are on slopes. Some have a bad set-up at the rear of a car. Many people with disability drive themselves without having anyone else in the car to assist them.

Public charging bays in Australia are guided by electrical and road layout Australian Standards, but these do not currently address accessibility issues. Such issues might include the space required around charging bays, the height at which the charging cable is stored, and ease of movement between the bay and the charger (a UK standard does exist which covers such issues, and this could provide useful guidance).

We note that the National Electric Vehicle Strategy, released in April 2023, states that:

"The (Federal) Government will collaborate with state and territory governments to ensure a national approach on:

National standards – to encourage national consistency around standards which impact the effective uptake and use of EVs, like ... accessibility

The role for governments includes ensuring consistent national standards, like accessibility standards for people living with disability, and interoperability standards for charging infrastructure."

We encourage the Victorian State Government to work with Federal Government in actioning this quickly, to provide accessible charging for all and to make sure no one gets left behind in the transition to zero-carbon transport.

In the interim, local government can commit to sharing knowledge and developing best practice in this space through existing groups and to relevant industry partners (e.g., charging operators and installers). This process has already begun through the inter-council Electric Vehicle working group, which brings together officers from Victorian LGAs.

Director Response & Suggested C	ouncil Position
Director City Development:	
3	provision parking spaces for EV chargers would assist in ensuring access is provided on of the provision of accessible facilities.
Suggested Position ⊠ Support	□ Not Support

Motion 36. Mental Health

Submitting Council: Maribyrnong City Council

Motion:

That the MAV requests that the Victorian Government:

conduct an inquiry into the psycho-social impacts of COVID-19; and

consider additional measures and funding to invest in community resilience, psychological and material support to mitigate identified impacts.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
-	MAV Strategy Priority 2: Healthy, diverse and thriving communities
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Mental health is a significant issue in the state of Victoria. The ABS Census 2021 reported 570,000 Victorians with mental health conditions, which represents 22.8% of the state's population. 23.4% of adults in Victoria also had high levels of physiological distress (Victorian Public Health Survey 2020) an increase from 18.1% in 2019.

The COVID-19 pandemic contributed to mental health issues for Victorians. 82% of young people had experienced mental health issues during COVID-19, including anxiety (75%), depression (62%), and eating disorder symptoms such as binge eating (36%) (VicHealth 2021). Cost of living impacts is also contributing to mental stress for residents across the state. Local food agencies have also seen a significant increase in demand with 312 tonnes of food provided by Foodbank in the last 12 months (Foodbank Australia 2023).

This motion aligns with the MAV Strategy 2021-25, Theme 2 – Healthy, Diverse and Thriving Community. Strengthening the ability of councils to undertake community well-being planning, implementation and partnership development through key strategic activities particularly in the emerging area of mental health and wellbeing. This motion also aligns with the Victorian Public Health and Wellbeing Plan 2019-2023 which includes mental health wellbeing as one of its 10 key priorities.

Director Response & Suggested C	ouncil Position
Director Community Wellbeing:	
Mental health and access to services is a key advocacy issue for Banyule City Council.	
Suggested Position ⊠ Support	□ Not Support
Support Support	штос варроге

Motion 37. Support for the Small Business Community

Submitting Council: Maribyrnong City Council

Motion:

The MAV requests the Victorian Government to provide financial support, including grant programs, to members of the business community experiencing financial stress.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
MAV Strategy 2021-2025 Priority or 'Other – Of	MAV Strategy Priority 2: Health	ny, diverse and thriving
significance to Local Government'	communities	
Is the motion repetitive in a form or substance of a m	otion or item considered at	No
the most recently held meeting of the State Council?		

Businesses, particularly locally owned small business are currently facing increasing cost of living pressures, particularly due to inflation. This has a flow on effect in other areas, including those affected by mortgage stress, where discretionary spending will likely decrease dramatically. In addition to this, businesses will still be impacted by increasing costs of utilities and supply chain issues.

Director Response & Suggested Council Position	
Director Response & Suggested Council Position Director City Development: Current economic conditions are affecting businesses in different ways depending on their business model and service offering. A one size fits all business grant similar to that distributed during covid will be wasteful as not all small business needs it. Targeted support may be required but changes to broad economic levers will be beneficial to the whole of society. As such, this motion in its current form is not supported. Suggested Position □ Support ■ Not Support	Director Community Wellbeing: Defer response to Economic Development. Suggested Position Support Not Support

Motion 38. Construction of Melbourne Airport Rail

Submitting Council: Brimbank City Council

Motion:

The MAV calls on the Victorian Government to deliver the Melbourne Airport Rail in a timely manner.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

The idea of an airport rail for Melbourne was first raised in 1958. There is also increasing support for the airport rail to be built, with a recent Victorian government survey indicating 80% support for its delivery.

Airport accessibility and connectivity are common hallmarks of a thriving global city. Whilst the majority of the world's busiest airports have mass transit connections, Melbourne Airport is one of only 17 major international airports with no rail connection. Critically, the road network servicing Melbourne Airport is insufficient to sustain its long-term growth, which is forecast to double to more than 76 million by 2042.

The timely delivery of Melbourne Airport Rail is key to ensuring efficient, reliable, equitable and sustainable access to and from Melbourne Airport for Victorians and visitors to Victoria. The Tullamarine Freeway already experiences high levels of congestion in peak periods and is set to reach 90% capacity in 2036. Whereas in peak periods, the Melbourne Airport Rail is expected to deliver a faster journey of only 30 minutes between Melbourne Airport and the CBD.

Importantly, the Melbourne Airport Rail will form part of an integrated transport network that will further reduce road congestion and pollution through the metropolitan and regional rail connections and will contribute toward Australia becoming a net zero economy.

A delay or withdrawal of government funding for the Melbourne Airport Rail will require substantial investment to increase road capacity to cater for the forecast growth of Melbourne Airport, with negative flow on impacts on the Victorian visitor economy.

Director Response & Suggested Council Position
Director City Development:
As part of the release of the PTV Network Development Plan - Metropolitan Rail Council resolved to 'welcome' a railway line to Melbourne Airport.
The route won't specifically benefit Banyule resident in providing a public transport option to the airport, but it may reduce road congestion which would assist.
Suggested Position ⊠ Support □ Not Support

Motion 40. Addressing planning barriers for regional workers accommodation Submitting Council: Yarra Ranges Shire Council

Motion:

That the MAV advocate to the Minister for Planning to consider permit exemptions for Rural Worker accommodation in the Green Wedge Zones and release of other reforms from the Planning for Melbourne's Green Wedge and Agricultural Land Review.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	MAV Strategy Priority 3: Well- and resilient built environmer	nt
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		No

A lack of worker accommodation has created significant problems for industries across Victoria, particularly for agricultural businesses that have struggled to attract both permanent and seasonal workers.

The Victorian Government's recent announcement of an additional \$150 million for regional workers accommodation will go some way to addressing this problem.

However, accommodation shortages will remain, particularly in regional parts of peri-urban areas where rural worker accommodation is subject to a planning permit process in the Green Wedge zones.

The Commonwealth's Pacific Australia Labour Mobility scheme (PALM scheme) – which is critical to facilitating the agricultural industry's seasonal workforce – requires that host farmers and labour hire companies comply with any regulations required by the state, territory or local government/council (for example fire safety, overcrowding).

Furthermore, in 2022, the Public Health and Wellbeing Act 2020 definition of prescribed accommodation was expanded to include accommodation provided as part of a labour agreement. This means that all farmers that provide accommodation to seasonal workers as part of their working agreement must be registered under the Act and comply with the minimum standards for prescribed accommodation outlined in the Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020.

These requirements make it clear what is expected of farmers and labour hire providers. Combined with the Victorian Government's investment, there is an opportunity to significantly increase supply of compliant accommodation for seasonal workers.

However, if barriers embedded in the planning system remain, it can reasonably be expected that:

- Key businesses and industries will be unable to benefit the Victorian Government's investment in workers' accommodation,
- Accommodation supply will continue to fall short of need, meaning businesses may be unable to participate in Commonwealth programs such as the PALM Scheme, and
- Agricultural industries of local, statewide and national significance will struggle to meet demand for their products.

Director Response & Suggested Council Position		
Director City Development: This motion has no impact on Banyule, however, Banyule relies on and benefits from local agricultural supplies so this motion is supported.		
Suggested Position ⊠ Support	□ Not Support	

Motion 41. Strategic review into the School Crossing Supervisor Program

Submitting Council: Yarra Ranges Shire Council

Motion:

That the MAV advocate to the Victorian Government to reinstate a broad strategic review of the School Crossing Supervisor Program, to address urgent outstanding issues, including:

- 1. crossing supervisor staff shortages
- 2. regular unsupervised school crossings
- 3. unsustainable State Government funding model that puts increasing financial pressure on Councils.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 1: Economically sound councils
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

The safety of children walking safely to and from school is a priority for us all. That's why it is imperative that we have a school crossing system that works.

However, a survey of 40 Victorian Councils revealed 97% of municipalities have school crossings that are unsupervised due to operational challenges. At these locations, children are crossing roads without assistance and often crossing roads where poor driver behaviour impacts safety.

Additionally:

- 82% regularly face crossing supervisor staff shortages, and
- 87% of Councils surveyed consider the system no longer fit for purpose.

In 2016, the Labor Government committed to a review of the school crossing program. This review was welcomed by Local Government who were eager to work with the government on addressing the shortcomings in the program, including the current funding arrangements.

Unfortunately, this review has not progressed, and remains urgently needed. A broad strategic review should address the key outcomes the program intends on achieving and an updated model that:

- Considers other models of services used in other jurisdictions, and their potential application in Victoria,
- Strengthens State Government funding contribution towards the School Crossing Service to ensure it remains sustainable and cost effective,
- supports addressing challenges in recruiting and retaining crossing supervisors,
- Delivers safety improvements and increased use of technology in and around crossings,
- Funds safety improvement initiatives, including infrastructure treatments, and
- Promotes safety around schools to the broader community and road users.

Director Response & Suggested Council Position	
Director City Development:	
The current model of funding for school crossing supervisors has been in operation for a number of decades and so a review is strong supported.	
Suggested Position ☑ Support ☐ Not Support	

Motion 42. Victorian Government Responsibility for Education Related Infrastructure Submitting Council: East Gippsland Shire Council

Motion:

That the MAV calls on the Victorian Government to take responsibility for the provision of adequate parking, playing fields, open space, and other infrastructure that support public schools, including requiring the Victorian School Building Authority to seek planning approval for new schools and school expansions.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	MAV Strategy Priority 3: Well-planned, connected and resilient built environment	
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		

Council acknowledges that education facilities, and schools in particular, are a crucial part of the social fabric of communities and fulfill an important function. This motion is not designed to restrict the development of new schools or expansion of schools, but rather to place the financial burden of providing the support infrastructure such as parking and playing fields with the Victorian government.

At present State schools do not require local planning approval for their facilities (unlike private schools). Therefore, there are numerous examples of schools being developed without sufficient parking, school drop-off areas, playing fields and other support infrastructure. This often leads to pedestrian safety issues, parking congestion and the need to use off-site facilities without the prior planning for such use. This leads to expectations in the school family and broader community that councils will 'fix' the problem, often at an extensive cost to the relevant council.

Requiring planning approval for these developments would bring the approvals in line with the expectations placed on private education providers. It would also allow for the development of agreed approaches to parking, sharing off-site (council) facilities, and an assurance the design of parking and traffic circulation meet road safety requirements.

A collaborative approach during the design phase and the requirement for a planning permit application which is subject to the normal development requirements, would ensure that issues of congestion or undersupply of support infrastructure are identified and addressed in the planning phase, rather than through costly interventions once built.

Director Response & Suggested Council Position
Director City Development:
Banyule has a number of parking issues around public schools as the majority don't provide enough parking on-site to meet their demands. Most schools don't have spaces to provide additional parking, but funding for improvements on-street would assist.
Suggested Position ⊠ Support □ Not Support

Motion 43. Resources for Freedom of Information requests

Submitting Council: Towong Shire Council

Motion:

That the MAV advocates to the State Government to make resources available (eg. a 'flying squad' approach) for small rural councils, to enable those councils with limited resources to remain compliant with the *Freedom of Information Act 1982* (Vic).

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 5: Sector capability and good governance
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?	

Victorian councils have been the target of an increasing number of FOI requests from Council Watch, an association previously known as Ratepayers Victoria. The stated purpose of this campaign by Council Watch was to increase transparency and reporting of information by councils in a way that allows comparison of councils' performance, following the removal of the website 'Know Your Council' earlier this year. Council Watch now publish an Investigations page on their website, with different themes of investigation, supported predominantly by the information obtained through the FOI requests lodged with councils, for which they have requested the application fee be waived on the grounds of hardship. The cost of sourcing this information is now falling squarely on the shoulders of the ratepayers, as councils are bearing the cost of the resource to comply with these requests with no contribution from the organisation seeking this information.

This trend in activity has placed an overwhelming strain on councils attempting to remain compliant with the Act, whilst also balancing their time to ensure ratepayers are still receiving the best quality outcomes in their respective municipalities. Smaller councils with officers who solely look after numerous council functions, such as Towong Shire Council, are finding it difficult to remain compliant with the Act without expending ratepayer funds for external legal assistance to assist with the increasing volumes and complexity of the FOI requests being received.

It is in the best interests of the sector that smaller rural councils who lack resources and expertise are provided with assistance, to ensure they can remain compliant with the FOI Act whilst not jeopardising existing services to their respective communities. This could be achieved through a 'flying squad' approach, where the State Government provides resources or support on a case-by-case basis to rural councils when it can be identified that inadequate resources are available to process the volume of information requests being received, impacting and risking non-compliance with the FOI Act.

Director Response & Suggested Council Position

Executive Office:

The number of Freedom of Information (FOI) applications Council has received has increased over the past 12 months at Banyule and anecdotally across local government agencies in Victoria. Whilst Banyule City Council is a large metropolitan council, the resource implications to the dedicated FOI officer and broader organisation is still felt, and the impact this would have on small rural and regional councils would indeed be greater. As the complexity of requests increases, as does the trend in activity as detailed in this motion which places strain and pressure on councils working towards compliant application processing whilst managing other complex governance requirements and services. More resources available across the State based on need and demand would be welcomed.

Suggested Position ⊠ Support	□ Not Support

Motion 44. Review of Victorian Grants Commission Funds Allocation Methodology Submitting Council: Murrindindi Shire Council

Motion:

That the MAV advocate for the formulae used by the Victorian Grants Commission in determining the allocation of Commonwealth Financial Assistance Grants be reviewed to place greater emphasis on:

- a) the impacts of natural disasters and climate change,
- b) the limited alternate revenue options for rural Councils, and
- c) the increased demands of heavy transport and tourism impacting local roads.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
MAV Strategy 2021-2025 Priority or 'Other – Of significance to Local Government'	MAV Strategy Priority 1: Economically sound councils
Is the motion repetitive in a form or substance of a methe most recently held meeting of the State Council?	otion or item considered at No

It is well established that rural areas are disproportionately impacted by the worsening effects of climate change.

Rural economies are dependent on the health and values of the natural environment, which support agricultural production and nature-based tourism. Both sectors are highly sensitive to a changing and increasingly volatile climate.

Rural areas also bear the brunt of devastation associated with more frequent and intense climate-driven disasters, including recent catastrophic bushfires, severe floods and prolonged droughts.

Aging infrastructure in rural areas, particularly local roads, are ill-equipped to handle the impact of these sudden and extreme climatic events, with increasing deterioration due to prolonged periods of heavy rain or damage from intense heat and fires.

Climate change vulnerability, combined with increasing demands of heavy transport and tourism, creates extra burdens on rural Council services and road infrastructure that are becoming increasingly difficult to fund.

Many floods, storms and fires do not meet the minimum threshold for being declared natural disasters eligible for government funding, leaving councils out of pocket. Again, Rural councils are more susceptible to these more frequent costly emergencies.

Combined with rate capping, these additional challenges are exacerbated by the limitation on rural councils to raise 'alternative' own source revenue, unlike their metropolitan and regional counterparts.

A recent study by Rural Councils Victoria (2022) into alternative revenue streams concluded:

"While rural councils have the opportunity to pursue a range of new or 'boutique' revenue sources, none of these are likely to generate income flows of sufficient magnitude to materially improve local government finances. The solution to the long-term financial sustainability of councils is likely to require improved access to national tax revenues."

Average rates and charges per capita are approximately 40-45% higher for small rural councils compared with the State average, reflecting the higher impost on rural ratepayers to fund council services, making rate cap exemptions inequitable and unpalatable for these communities.

We call for a review of the formulae used by the VGC in determining the allocation of Commonwealth Financial Assistance Grants to recognise the increased financial pressures and lack of alternative income streams for rural councils.

Director Res	ponse &	Suggested	Council	Position
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Director Corporate Services:

Although Banyule is on the minimum VGC grant we should support rural councils in a fairer share of the grant pool for significant events. We would argue that there should be greater direct support for the impacts of natural disasters for affected areas such as the state and federal Disaster Recovery Funding Arrangements. Furthermore, the MAV should continue to advocate for a greater share for Victoria of the Commonwealth Financial Assistance Grants.

Suggested Position ⊠ Support □ Not Support

Motion 45. Redistribution mechanism of the Community Benefits Statements Submitting Council: Hume City Council

Motion:

That the MAV calls on the State Government to review the redistribution mechanism of the Community Benefits Statements to ensure that the losses from gambling are directly invested back into community and community-led initiatives.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
	MAV Strategy Priority 2: Healthy, diverse and thriving communities
Is the motion repetitive in a form or substance of a m- the most recently held meeting of the State Council?	otion or item considered at No

Hume City Council Officers undertook a review and analysed five financial years (2017 to 2022) of Community Benefit Statements (CBS) submitted by Clubs in Hume City, obtained through the Victorian Gambling and Casino Control Commission (VGCCC).

The analysis highlighted that community benefits claimed by Clubs in Hume City were predominantly made against the Class B category, (\$23,011,244 in total over the 5-year period), most of which were claimed against sub-Class B (e), namely operating costs.

No Club in Hume City claimed under the Class C (a) category for "the provision of responsible gambling measures and activities but excluding those required by law" over the analysed period. The total amount claimed against Class C over the last five financial years was \$25,823.

Examples of the "benefits" claimed by Clubs over the same period, as indicated in Classes A (\$4,462,855) and B (\$23,011,244) in CBS's submitted to the VGCCC, include waste and removal costs, Foxtel subscriptions, staff wages and expenses, leasing costs and free entertainment for members.

Following this review, Hume City Council wrote to the Minister for Casino, Gaming and Liquor Regulation, expressing significant concerns regarding the misrepresentation of the claimed community benefits and the urgent need to evaluate the redistribution provisions that apply to the Community Benefit Statements.

Director Response & Suggested Council Position		
Director Community Wellbeing:		
Community Benefits Statements are one of Banyule City Council's key advocacy priorities.		
Suggested Position Support	□ Not Support	

Attachment – late motions received after due date (14 August 2023)

NOTE:

Member Councils were advised prior to the meeting and during the call for motions that late motions, defined as those received after Monday 14 August, would not be put to State Council unless exceptional and urgent circumstances arise.

It was also advised that all late motions would be circulated in the Business Paper to MAV delegates on Wednesday 13 September as a separate attachment but will not be admitted for consideration unless otherwise resolved by the State Council.

Accordingly, the following late motions, though circulated, do not appear on the agenda.

It is open to State Council to make a procedural resolution under rule 19.6 of the MAV Rules 2022: "19.6 Business which is not included in the agenda of a meeting of any State Council may not be dealt with unless at least half of the delegates eligible to attend are in attendance and agree to deal with it."

Late Motion 1. Betterment of public assets

Strategic Priority motion

Submitting Council: Campaspe Shire Council

Motion:

That the MAV calls on the Victorian Government and Australian Government to:

- 1. Commit to allowing the betterment of public assets damaged by natural disasters to be funded through the state and federal Disaster Recovery Funding Arrangements (DRFA).
- 2. Allow Councils to submit claims for betterment and fund improvements to assets where the asset is critical and can be better protected against damage from natural disasters into the future.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	MAV Strategy Priority 2: Healti communities	
Is the motion repetitive in a form or substance of a motion or item considered at the most recently held meeting of the State Council?		No

This motion follows on to the MAV's resolution of 19 May 2023 with respect to 'Disaster Recovery and Resilience Support for Local Government'. This MAV resolution called on the Victorian and Australian Governments to financially support local government with post-disaster betterment funding to improve damaged assets beyond their 'previous condition' and by providing an ongoing betterment program to upgrade existing public infrastructure.

Betterment funding would enable infrastructure damaged by natural disaster to be repaired to current standards which would improve its capacity to withstand flood events into the future. Betterment funding will also reduce councils' risk liability. For example, if a council rehabilitates flood-damaged roads and these do not align with its Road Management Plan.

In early August 2023, Council also lodged a submission to the Australian Government's Independent Review into Commonwealth Disaster Funding.

In the submission, Council again highlighted the need for betterment funding for damaged public assets. Following the October 2022 floods, Council identified a number of assets which were also damaged in the 2011 floods. Ideally, Council would assess an asset, determine if there are mitigation or betterment works which could improve the performance of the asset, and then do those works when replacing the asset. However, as betterment is not currently part of the DRFA arrangements, Council has only been able to assess like-for-like replacement or repair of these damaged assets.

The significant role that climate change will continue to play in changing the frequency and impacts of natural disasters also needs to be considered. Investing in the betterment of damaged assets following a natural disaster is one way of mitigating against the severity of these impacts into the future.

Council has strongly advocated for betterment funding and discussed with officers the need to submit to the October 2023 MAV State Council. Whilst the motion was submitted to the Municipal Association Victoria by the due date of Monday 14 August 2023, amendments to the motion can be submitted 5pm on Wednesday 30 August 2023.

Director Response & Suggested Council Position		
Director Assets & City Services: Council officer position is that the most efficient long-term outcome should always be considered in repairing/renewing long-life community assets.		
Suggested Position ⊠ Support □ Not Support		

Late Motion 2. Establishment of Renewable Energy Development Guidelines

Strategic Priority motion

Submitting Council: Moyne Shire Council

Motion:

That the MAV advocate for the establishment of Renewable Energy Development Guidelines including provisions that infrastructure to support renewable energy transmission:

- a) be developed using existing easements,
- b) be located where practicable underground, and
- c) require co-location of connecting lines to reduce the impact on agriculture, the visual landscape, recognise risks of bushfire and protect amenity.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
	MAV Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a methe most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

Moyne Shire Council strongly recommends that the State Government pause the issuing of all wind farm planning permits in the Shire until strategic land use planning in the South West Renewable Energy Zone (SWREZ) is completed in consultation with Moyne Shire and other affected Councils and communities.

This is supported by ensuring that strategic planning must provide for:

- Increased wind farm turbine buffers to 5 km from towns and settlements, 2 km from houses and 1 km from neighbouring property boundaries;
- A methodology developed to consider cumulative impacts of wind farm development and used to
 assess all future planning permit applications. Assessment should include flora, fauna, vegetation
 communities, agriculture, emergency management, visual amenity, noise, traffic, road condition and
 housing availability;
- An agreed cap on development for Moyne Shire that considers the number, location and density of turbines; distance between individual wind farms; development constraints; and cumulative impacts on residents and the environment;
- Significant long term economic and social benefits, provided by companies and the State government
 for local communities and residents, incorporating local decision making. Economic development
 through the use of local businesses, employment and training during construction and operation of
 wind farms;
- Undergrounding of high voltage power lines where technically feasible and where there are no significant environmental or heritage impacts. Where not feasible, high voltage powerlines and infrastructure should be shared between wind farm developments;
- A decommissioning policy that includes statewide decommissioning guidelines, a strategic plan for
 reuse and recycling components within the State (preferably in SWREZ) and a standardised system for
 financial security deposit from companies before construction commences;
- Assessment to ensure prime agricultural land and food & fibre production in the Shire is not adversely impacted;

- Processes that ensure significant flora, fauna and vegetation communities are protected from the impacts of development;
- Wind farm development buffers placed around airstrips and airports, and height thresholds on turbines
 which will retain current Minimum Safe Altitude (MSA) levels, and not impede on current Obstacle
 Limitation Surfaces (OLS).

Rationale

On 6 September 2022 Council set a revised position on wind farm development. This change was informed by an extensive consultation process that collated views from a telephone survey of 400 residents and over 100 community and industry submissions.

Director Response & Suggested Council Position		
Director City Development:	Director Assets & City Services:	
Anything that supports the provision of renewal energy should be supported. The suggestions appear to be logical.	Not directly relevant to Banyule Council, however supports the provision of renewable energy.	
e saggestions appear to be togical.	Suggested Position	
Suggested Position	⊠ Support	
⊠ Support	□ Not Support	
□ Not Support		

Late Motion 3. Ongoing maintenance and additional replacement and renewal of the

local road network

Standard Priority motion

Submitting Council: Moyne Shire Council

Motion:

That the MAV advocate to the State Government to reinstate a state funded program to ensure local government is adequately supported to continue the ongoing maintenance and additional replacement and renewal of the local road network.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
MAV Strategy 2021-2025 Priority or 'Other – Of significance to Local Government'	MAV Strategy Priority 1: Economically sound councils
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

Improving the condition of local and regional roads throughout Moyne will benefit not only the dairying industry and associated supply chains; but also other major users of the South West Roads network, including the forestry, tourism, livestock transport, wind farm construction, and aluminium sectors.

Rationale

The Barwon South West Dairy Supply Chain Study outlines the case for a \$317.5 million investment over ten years into the road network in South West Victoria, which supports Australia's largest dairy production region, responsible for 24 percent of Australia's milk production.

The report notes, "the freight task needed to transport production inputs, milk and final goods to market is significant and costs industry around \$345 million per annum, around 29 per cent of total expenditure. The road network across the region, as well as the entry and exit points to the region, are critical to the competitiveness of the industry"[1].

As indicated in the Study, the proposed investment is a long-term proposition over ten years. However, it is important that works commence as a matter of urgency, as any delays will result in further deterioration of the roads, and increase the cost of upgrades, improvements and repairs.

Moyne has identified several local roads for immediate remedial works, at an estimated cost of \$5 million. This will address immediate safety issues, as well as facilitate the growing freight task over the long-term. Details of these road projects are contained in the Dairy Supply Chain Study.

Director	Response	& Suggested	Council	Position
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Director Assets & City Services:

The motion aligns with Council officer position that increased investment concerning maintenance and renewal of

Suggested Position ☐ Support	□ Not Support
the local road network is required.	
The modern aligns with council offic	cer position that mercused investment concerning maintenance and renewal or

Late Motion 4. Streamlining the planning amendment and planning permit processes.

Strategic Priority motion

Submitting Council: Moyne Shire Council

Motion:

That the MAV represent rural Councils in any review of the Planning System by state government, including but not limited to streamlining the amendment and planning permit processes.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Significance to local government

Rural and regional Victoria is vital to the state's economic, social, and cultural fabric, but it faces unique challenges in the planning and regulatory domain.

Rationale

Moyne experiences growing demand for regional living and tourism, resulting in exacerbated housing shortages and limited rental options. This alongside the lack of workforce availability and the complexities of navigating the planning environment act as deterrents to industry growth. Amidst these challenges lies a significant opportunity for sustainable growth and development, which can be realised by making targeted adjustments to the current planning environment.

Director Response & Suggested Council Position		
Director City Development:		
Rural Councils need increased support to navigate Planning Scheme changes due to their resourcing challenges, however MAV need to ensure their advocacy for ALL councils is effective, thorough and inclusive.		
Suggested Position ⊠ Support	□ Not Support	

Late Motion 5. Review Maternal and Child Health Key Age and Stages framework and

rectify funding shortfall

Strategic Priority motion

Submitting Council: Hobsons Bay City Council

Motion:

That the MAV calls on the Victorian Government to review the Maternal and Child Health (MCH) Key Ages and Stages (KAS) framework and associated historical funding model in which local and state governments equally fund the service, and seeks immediate action to rectify the funding shortfall through:

- 1. Reviewing the KAS framework to ascertain the level of complexity, need and resources required to effectively assess the health and wellbeing of children and their families within the current environment where incidents of family violence, child abuse and mental illness are continuing to rise;
- 2. Undertaking a sector wide analysis of the historical shared funding model in which local and state governments are required to equally fund the delivery of the service; and
- 3. Consulting with local government to determine the level of additional funding required to be invested in local government by the Victorian Government as a result of the state's ongoing funding shortfall.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 2: Healthy, diverse and thriving communities
Is the motion repetitive in a form or substance of a m- the most recently held meeting of the State Council?	otion or item considered at No

Rationale

It has been many years since there was a review of the MCH Key Ages and Stages. There has been an increase in complexity and needs for families receiving MCH, including but not limited to increase in mental health concerns and family Violence. In addition to this, MCH services are being asked to provide more and more health promotion activities, without the increase in funding/time allotment.

MCH over the recent years has not been a 50:50 funding model (for which the MOU defines should be), with council continuing to provide more resources and support for the increase in needs and complexities of families. For this to be rectified, there is a requirement for

consultation between local government and state government as to what the actual costs are that are incurred in the delivery of the MCH service.

Director Response & Suggested Council Position

Director Community Wellbeing: Banyule City Council Maternal and Child Health Service has also identified an imbalance and cost shift from the 50:50 funding model. Whilst we understand that a review of the service is currently underway it will still be some years before all recommendations are implemented. Funding secured over the next four years from the recently released State budget will be rolled out to address consultation length and to respond and support client complexities, but this will not fully address the funding imbalance.

complexities, but this will not fully address the funding imbalance.		
Suggested Position ☐ Support	□ Not Support	

Late Motion 6. Assess existing and future transport needs of the western suburbs Standard Priority motion

Submitting Council: Hobsons Bay City Council

Motion:

That the MAV, in response to the SRL Airport Rail, Geelong Fast Rail and Western Rail Plan projects being put on hold by the Victorian and Australian governments, calls on the Victorian Government to undertake an assessment of the existing and future transport needs of communities in the growing western suburbs to ensure that existing and future infrastructure is adequate.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
	MAV Strategy Priority 3: Well-planned, connected and resilient built environment
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Rationale

That while the SRL Airport Rail, Geelong Fast Rail and Western Rail Plan projects are being put on hold, that the State Government ensures that communities in metropolitan Melbourne like Hobsons Bay are not missing out and will also benefit from these upgrades with improved rail connections, more services and better rail infrastructure including re-opening Paisley Station (Altona North) and new stations to meet the needs of growing communities in our City.

Director Response & Suggested Council Position	

Director City Development:

A wholistic Transport plan for Melbourne should be undertaken that considers the needs for west, north, east and south.

No issues supporting but maybe an amendment should be requested so it covers the whole of Melbourne.

Suggested Position	□ Not Support	

Late Motion 7. Recognise the Ramsar-protected Cheetham Wetlands and support local initiatives highlighting the significance of inner western coastal wetlands to First Nations people, promoting education on the impact of climate change upon coastal wetlands, and supporting eco-tourism and nature-based recreation in metropolitan

Melbourne

Standard Priority motion

Submitting Council: Hobsons Bay City Council

Motion:

That the MAV calls on the Victorian and Australian governments to recognise the internationally significant Ramsar-protected Cheetham Wetlands, visited by thousands of migratory birds annually, and that both governments support local and regional initiatives that:

- 1. Highlight the significance of the inner western coastal wetlands to First Nations people
- 2. Promote education about the impact of climate change on coastal wetlands
- ${\it 3.} \quad \hbox{Provide unique eco-tourism and nature-based recreational experiences in metropolitan Melbourne}$

Submitting Council Confirmation and Rationale:

Council Resolution	Yes	
significance to Local Government'	MAV Strategy Priority 4: Changing climate and a circular economy	
Is the motion repetitive in a form or substance of a methe most recently held meeting of the State Council?	otion or item considered at No	

Rationale

Cheetham Wetlands is a unique internationally recognised natural asset in the heart of metropolitan Melbourne. We are calling on the Victorian and Australian governments to invest in protecting the wetlands and provide educational and nature-based experiences for the community to learn about the importance of wetlands. The proposed Hobsons Bay Wetlands Centre will provide an educational and nature-based recreational experience for everyone to learn about the importance of wetlands which will be an urban oasis in Melbourne's inner-west..

Director Response & Suggested Council Position			
Director City Development:	Director Assets & City Services:		
Protection would support biodiversity and migratory of birds, some of which migrate through Banyule and use our wetlands.	While Banyule is not directly affected, this motion aligns with the principles in key climate, water, and biodiversity strategies adopted by Council.		
Suggested Position			
Support	Suggested Position		
☐ Not Support	⊠ Support		
	☐ Not Support		

Late Motion 8. MAV Public Facing Name Change

Standard Priority motion

Submitting Council: Whitehorse City Council

Motion:

That the Municipal Association of Victoria (MAV) considers adopting 'Councils Victoria' as its public facing name to enable fresh associated branding and increase the public understanding of the MAV and what it represents.

Submitting Council Confirmation and Rationale:

Council Resolution	Yes
significance to Local Government'	MAV Strategy Priority 6: Effective and responsive MAV
Is the motion repetitive in a form or substance of a m the most recently held meeting of the State Council?	otion or item considered at No

Rationale

At a workshop at the MAV State Council in early 2023, one of the themes from some attending was the low public understanding of the MAV and what it represents. In particular the term Municipal does not have a universal understanding in the wider community. The name Councils Victoria is simpler and self-explanatory and would enable a fresh associated branding and identity.

Director Response & Suggested Council Position

Executive Office:

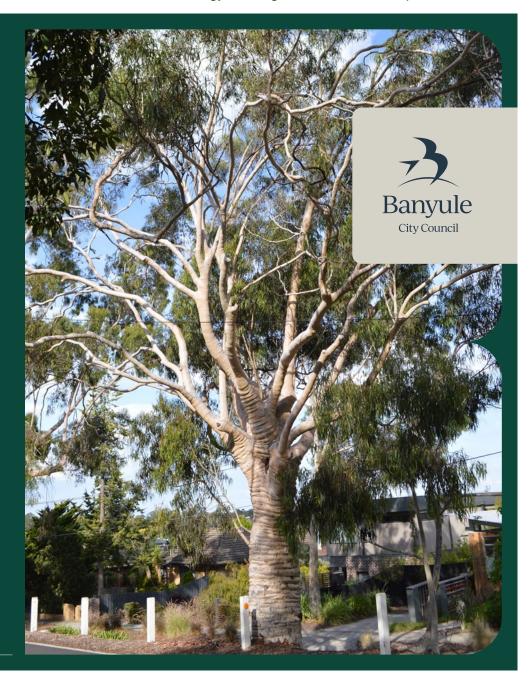
Officers would support greater transparency, understanding and awareness of what the MAV represents to all Victorians. If a name change was the best engagement method for this, it is supported. However, consideration should be given to the costs associated with a branding and identity change and the delicate balance of the costs against other imperative MAV projects that directly benefit the sector.

Suggested Position ☐ Support	□ Not Support	

Urban Forest Strategy

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Acknowledgements

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 Elders, past, present and emerging, who have resided in the area and have been an integral part of the region's history.

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

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Message from the Mayor

Banyule residents have a strong connection to natural and green spaces, including its population of more than 150,000 public trees and many more on private land.

Banyule Council recognises the vital contribution that our urban forest makes to biodiversity and habitat, as well as neighbourhood character and amenity.

With increasing pressures from building growth and climate change, the ecosystem services that these trees provide, including shade and cooling, will be essential to making Banyule a liveable city for present and future generations.

This Urban Forest Strategy has been developed by working closely with the community and undertaking direction to include the community as joint custodians of the urban forest.

It outlines Banyule's vision for the long-term future for the urban forest and provides strategic management actions to get there over the short and medium term. This Strategy will support Council to plan, manage and maintain one of Banyule's highest-valued assets for the next 10 years.

A vision for Banyule's urban forest

This is the long-term community vision for Banyule's future urban forest:

Banyule's urban forest is resilient. It is thriving and people are aware and value the role of the urban forest for health and wellbeing and in making Banyule a great place to live.

The urban forest is managed as an essential asset for Banyule and decisions about the urban forest are fit for place and purpose, with space provided to support greening and increased tree canopy.

People work with Council and are active in the protection, management and maintenance of the urban forest.

We understand that this vision may not be fully realised for 50 years or more and it describes the far future state of the urban forest for Banyule.

It was developed collaboratively with the community and guides the strategic areas of focus, important areas of work and actions to take over the next 10 years. It was endorsed by Council in February 2022.

We have developed indicators to measure and report on the achievement of this vision. These are outlined in **Section 6**.



What is the urban forest in Banyule?

In February 2022, Council adopted a definition of the urban forest. This definition will assist Council officers and the community to understand the reach of this strategy and consider the urban forest improvements to be made across all areas.

Banyule's urban forest is the trees and green assets that exist in the urban area that are strategically planned, designed and managed, and the ecosystems, soils and water that support them.

This definition highlights that the Banyule urban forest:

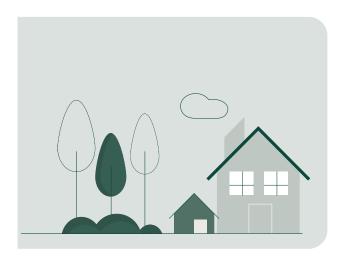
- is made up of all trees and green assets (including public and private) that exist in the urban area (not just bushland)
- is a managed asset and therefore not a purely natural system of vegetation
- includes the soils and water needed to support resilience and healthy growth.



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Executive summary

Banyule City Council has a long history of valuing and improving its management of the city's urban forest, trees and greening, and developed its first Urban Forest Strategic Plan in 2015. In 2019 Council declared a climate emergency and recognised the need for an updated approach to managing its urban forest.



The Urban Forest Strategy provides a summary of the:

- · benefits of the urban forest
- · challenges for urban forestry
- current state of the urban forest in Banyule
- strategic framework that will guide action (definition, vision, principles and strategic areas)
- major actions to be taken over the next 10 years
- measures of success.

The Urban Forest Strategy builds on the foundation of the 2015 Urban Forest Strategic Plan (UFSP).

All nine goals set in the 2015 UFSP match to a principle and strategic area in the Urban Forest Strategy.

Of the 40 measures that were identified in the 2015 UFSP:

- 26 are retained and enhanced in the Urban Forest Strategy
- 7 are replaced with an improved alternative target
- 7 are discarded as no longer appropriate.

Of the 94 actions that were set in the 2015 UFSP:

- · 15 have been achieved
- 41 are retained in the Urban Forest Strategy
- 34 are replaced with an improved alternative action
- 4 are discarded as no longer appropriate.

The refreshed strategy has been developed with input from a wide range of stakeholders, including the Urban Forest Community Reference Group, Banyule Environment and Climate Action Advisory Committee (BECAAC), councillors, Council officers, other agencies and the wider Banyule community through Shaping Banyule (Banyule's community engagement portal) and public forums.

The feedback from these stakeholders has informed the future direction by:

- clarifying what the term urban forest means for Banyule
- drafting a vision for the urban forest (a 50+ year vision)
- confirming the five principles by which the urban forest will be managed
- developing six key directions with major actions for Banyule
- · providing feedback on the actions.

The structure of the Urban Forest Strategy and the relationship of the vision to the measurements of success are in **Figure 1**.

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Urban Forest Strategy principles

There are five urban forest principles that provide the focus for Council in the implementation of Banyule's Urban Forest Strategy. These principles were developed collaboratively with the community and councillors and were endorsed by Council in February 2022.

The urban forest principles are:

- We believe the urban forest is an essential asset for Banyule, shared by all and crucial for the health and wellbeing of the community and natural environment.
- We believe a healthy urban forest is the result of strong partnerships between Council and community.
- We act today to respond to the changing climate and to leave a positive legacy for the future community, and we act responsibly, using evidence-based practice in our leadership and management of the urban forest.
- We plan, design and deliver for the people, places and natural environments of Banyule, including:
 - a. Climate change and reduction of the urban heat island effect
 - b. Liveability, amenity and neighbourhood character
 - c. Banyule's ecosystems and biodiversity
- 5. We protect and enhance Banyule's natural environment to care for flora and fauna.

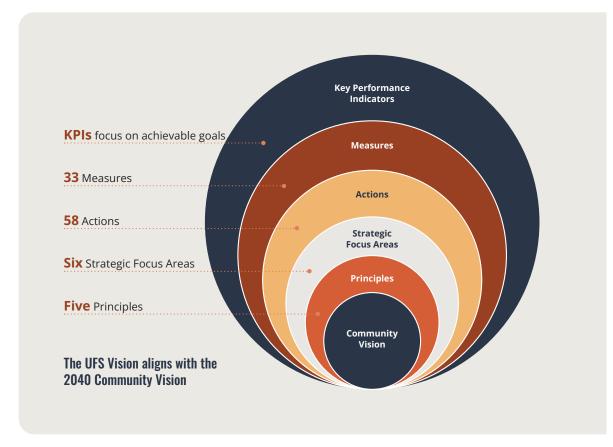


Figure 1. The structure of the Urban Forest Strategy

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The Urban Forest Strategy emphasises improving governance and management along with building the capacity of all parts of Council to integrate the urban forest needs into their work. This approach will see greater efficiencies in the planning, design and delivery of infrastructure as green assets are managed alongside and in concert with other non-living (grey) infrastructure.

Urban Forest Strategy focus areas

These six key and strategic focus areas were developed in collaboration with the community and reflect the areas of work most needed to be taken to achieve the Urban Forest Vision.

Each strategic area has a series of major actions to be implemented over the short- and mediumterm. Key performance indicators (KPIs) will assist with measuring and reporting on success and supporting a continuous improvement process for the management of the urban forest.

Six strategic focus areas will be delivered using a combination of existing and new staff resources, new grant funding, community and volunteer resources and new initiative funding.

The strategic focus areas are:

- Prioritise urban forest improvements in the most vulnerable suburbs and places across Banyule
- Increase the diversity of the urban forest for biodiversity and habitat with ground cover and shrub layer plantings
- 3. Manage the urban forest across public and private land for resilience to climate change
- 4. Take a long-term, asset management approach to the urban forest
- Build and maintain partnerships with others in the protection and management of the urban forest
- Integrate urban forest principles in all parts of Council services.

Figure 2 on page 8 illustrates the above framework that underpins the strategic actions proposed in Strategic areas for the Banyule urban forest of the Urban Forest Strategy.



Definition

Banyule's urban forest is the trees and greening assets that exist in an urban area that are strategically planned, designed and managed, as well as the ecosystems, soils and water that support them.

Long-term vision

Banyule's urban forest is resilient. It is thriving and people are aware and value the role of the urban forest for health and wellbeing and in making Banyule a great place to live.

The urban forest is managed as an essential asset for Banyule and decisions about the urban forest are fit for place and purpose and space is provided to support greening and larger tree canopy.

People work with Council and are active in the protection, management and maintenance of the urban forest.

Strategic Areas

Prioritise urban forest improvements in the most vulnerable suburbs and places across Banyule.

Increase the diversity of the urban forest for biodiversity and habitat with ground cover and shrub layer plantings.

Manage the urban forest across public and private land for resilience to climate change.

Take a long term, asset management approach to the urban forest.

Build and maintain partnerships with others in the protection and management of the urban forest.

Integrate urban forest principles in all parts of Council services.

Figure 2. Framework of the Urban Forest Strategy

Principles

We believe a healthy urban forest is the result of strong partnerships between Council and community.

We believe the urban forest is an essential asset for Banyule, shared by all and crucial for the health and wellbeing of the community and natural environment.

We act today to respond to the changing climate and to leave a positive legacy for the future community, and we act responsibly, using evidence-based practice in our leadership and management of the urban forest.

We plan, design and deliver for the people, places and natural environments of Banyule including:

- Climate change and reduction of the urban heat island effect
- · Liveability, amenity and neighbourhood character
- · Banyule's ecosystems and biodiversity

We protect and enhance the Banyule's natural environment to care for flora and fauna.

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Under the six strategic focus areas there are 58 actions described to allow immediate and ongoing work which will respond to the challenge that the urban forest faces, including impacts of climate change and increasing urban development.

With this Urban Forest Strategy, Council will focus its efforts on the actions needed today and over the next 10 years so that by 2033, Banyule is well on its way to achieving the long-term Urban Forest Vision.

We have established 33 measures with reporting intervals to report on the progress towards the vision over the life of the Strategy.

We have also defined Key Performance Indicators (KPIs) to focus reporting on the critical outcomes.

Specific, achievable and timely measures have been set for:

- canopy cover across all suburbs (30% by 2050 with no loss in suburbs exceeding the target)
- canopy cover across the footpath and local road network (45% by 2040 with no loss in suburbs exceeding the target)
- Canopy cover across the open space shared path network and surrounding playgrounds – 50% by 2050

In addition to the metric KPIs, the development of an endorsed tree management framework will include clear and transparent process, procedure and applications, including but not limited to:

- · managing tree risk
- · processes for removal
- process for reporting and customer engagement
- planning planting and species
- · managing complaints and disputes.

This action will integrate existing policy and process and develop new outcomes where gaps exist.

The Urban Forest Strategy will be reviewed every four years with annual results published in Banyule's State of the Environment report.



Urban Forest Strategy - Background Technical Report 2023-2033

Executive summary



SECTION 1. Strategy background



Banyule has inherited an urban forest shaped by many influences, both natural and human. Generations of changing land uses, increased urban development, design and public policy measures have influenced the urban forest that exists today. This Strategy will continue to positively and constructively shape the urban forest to enhance and protect it for future generations.

Banyule's community has clearly set the city's future direction by defining a long-term vision with a 50+ year plan for Banyule.

With this new Urban Forest Strategy, Council is focusing its efforts on the actions we need to take today and over the next 10 years so that by 2033, Banyule is well on its way to achieving the long-term vision. These will influence the future state of the urban forest to the end of the century.

The urban forest in precolonial Banyule

The area covered by the municipality of Banyule is on the traditional lands of the Wurundjeri Woi-wurrung People. Over 50 Aboriginal heritage sites have been identified in Banyule, most adjacent to the major waterways of Darebin Creek and the Yarra and Plenty Rivers¹.

Banyule Council's vision for reconciliation, identified in the Innovate Reconciliation Action Plan, is to have a just and equal society where Aboriginal and Torres Strait cultures and heritage are a proud part of our shared national identity.

Banyule continues to work in partnership with Aboriginal and Torres Strait Islander peoples to ensure meaningful relationships are built through shared decision making, fairness, respect and trust.

Urban Forest Strategy - Background Technical Report 2023-2033

Strategy background

The development of the city

The 1830s and 1840s saw parts of Banyule become a farming district earlier than most other parts of Melbourne.

In the 1840s and 1850s, wooded areas around Heidelberg and further north along the Plenty River were exploited by timber cutters. From the 1870s until the 1950s, quarries operated in and around Heidelberg.

Suburban growth in Banyule was reasonably slow in the late 19th and early 20th centuries. Growth around this time was in the form of large country homes, and smaller stand-alone dwellings, where people were drawn to Banyule for its extant natural beauty. Private greening at this time was influenced by the Garden Suburb movement; this can be seen across Banyule today with the Heidelberg to Eaglemont and Bundoora to Diamond Village to Army Barracks ridgelines.

Suburbia sprawled throughout Banyule from the late 1940s during the post-war housing boom with the development of new affordable homes and large housing estates. Many of the houses were built as 'pre-fab' concrete; early examples of these can be seen in West Heidelberg today. These were often on large blocks, which would later present opportunities for infill development in the early 21st century.

Despite significant interwar and post-war suburban growth, parts of Banyule had a strong drive for tree retention and naturalistic design for homes and gardens. This is evident throughout Heidelberg and pockets of Montmorency and Rosanna today.

The history of the public urban forest can be seen in a rich collection of significant trees and street tree plantings, some from pre-European Banyule, some from early estates and some from more recent plantings.

Remnant scarred trees in what is now Eaglemont and Lower Plenty are surviving pieces of Wurundjeri Woiwurrung heritage.

Pines, conifers and oaks from Banyule's farming and grazing estate eras remain throughout Heidelberg and Eaglemont. Ornamental pines planted post-war by Italian immigrants are an iconic 20th-century planting that can be seen throughout Ivanhoe^{2,3}.

Historic urban tree forest management activities and Council initiatives

There is a long history of recognition of the importance of urban forest in Banyule.

Banyule's significant trees were first formally recorded by Warringal Conservation Society, with a focus on trees in Heidelberg that were notable for their size, age, grouping or location.

Banyule City Council later adopted the Significant Tree Register which now falls under the Banyule Planning Scheme.

Banyule's 2013 City Plan, Environmental Sustainability Policy and Strategy and Neighbourhood Character Strategy (2012) both identified the need to protect, retain and manage Banyule's trees. Emerging from the City Plan came the first standalone Urban Forest Strategic Plan (2015).

In 2019 Council declared a climate emergency and set about responding to this and supporting the

reduction of greenhouse gas emissions from both Council activities and from the wider community. Community and Council Climate Action Plans were prepared to support the mitigation of emissions with a goal of net zero emissions by 2040.

During this time, it was also acknowledged that the response to climate change must include adaptation and resilience. Resilience has been a seam running through Banyule's strategy work since. Council and the community, in regard to predicted future climates, recognised that the management of the urban forest was critical to adaptation and the future resilience of the community and the built and natural environment.

How this Strategy was developed

The Urban Forest Strategy has been developed in collaboration with a number of stakeholders. Council recognises the important role that other agencies and the community must play in achieving the vision and set about involving these stakeholders at all stages in the project. The flowchart in **Figure 3** outlines the major steps taken to develop this Strategy.



1. Understand current state of the urban forest

We reviewed the current state of the urban forest across Banyule. We looked at the 2015 Urban Forest Strategy and other plans and data that told us what was important for Banyule now and into the future.

2. Drafted early ideas for the Urban Forest Strategy

We reviewed the 2041 Banyule Community Vision themes and strategic objectives as well as the current state of the Banyule urban forest to draft early ideas for action to sustain and grow the urban forest.

3. Engaged with others

We worked with Councillors, the urban forest Community Reference Group, the Banyule Environment and Climate Change Advisory Committee, Council staff and agencies to refine the ideas and establish the draft vision and principles.

4. Developed the urban forest vision + principles

We developed the draft vision and principles that will guide the Banyule urban forest strategy. They were put out to the wider community on Shaping Banyule and input was taken on board. The vision and principles were reported to Council and endorsed in February 2022.

8. Developed Draft Urban Forest Strategy

7. Engaged with others

We checked in with all stakeholder groups to revise and refine actions and priorities. We posted the draft directions and actions on Shaping Banyule for input from the wider community.

6. Developed key directions, actions and priorities

We sorted all the action into six key directions and major actions. We developed indicators for success and looked at timing for the actions over the short, medium and longer-term.

5. Engaged with others

We engaged with all stakeholders to identify the actions needed to be taken by Council and the community to reach the vision.

Figure 3. Steps involved in developing the Urban Forest Strategy



Strategy background

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Related Council strategies

Banyule Council has multiple current strategies, plans and programs that are important for supporting a healthy urban forest.

- Aboriginal and Torres Strait Islander Plan 2017-2021
- Actions for zero net emissions 2020-2023
- Banyule Bicycle Strategy 2010-2020
- Banyule Biodiversity Plan 2019-2022
- Banyule Youth Spaces Plan 2021
- · Community Climate Action Plan
- Environmental Stewardship Strategic Plan 2019-2021
- · Gardens for Wildlife

- Integrated Transport Plan 2015-2035
- Neighbourhood Character Strategy 2012
- · Northern Regional Trails Strategy
- Public Open Space Plan 2016-2031
- Rights of Way Strategy 2014-2024
- · Safe Travel Plan 2016-2026
- Walking Strategy 2018-2028
- Water Plan 2019-2023
- Weed Management Strategy 2006

Banyule Council is also a signatory to wider plans that set out commitments and targets for urban greening and positive environmental outcomes:

Living Melbourne -Our Metropolitan Urban Forest The Northern Metropolitan Framework Plan The Yarra Strategic Plan (Burndap Birrarung burndap umarkoo) 2022-2032.



Strategy background

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SECTION 2.

Why an Urban Forest Strategy?

Local governments around the world are focused on better management of nature in cities and urban areas.

The pressures experienced over the recent years with Coronavirus (COVID-19) lockdowns and more extreme weather as a result of continued climate change have highlighted the importance of healthy and diverse urban vegetation. Trees, canopy, open space and greening are vital for the liveability of cities and the health and wellbeing of the people who live there.

Banyule City Council recognises the value of urban vegetation to the citizens of Banyule and to future generations. We have developed this strategy to present immediate and ongoing action to respond to the impacts of climate change and increasing urban development.

The benefits of urban forests

Although the benefits of urban forests (Figure 4) have been a focus of much recent study around the world, the broad benefits of trees and plants in the city are often not known by the wider community.

In this section, we will outline some of the benefits of an urban forest. These underpin the vision, principles and strategic focus areas of the Urban Forest Strategy.

SHADE AND COOLING

Cities and towns frequently experience higher air temperatures than surrounding rural areas due to the Urban Heat Island⁴ (UHI) effect.

In these built-up and densely populated urban areas, heat is generated, trapped and stored, creating localised warming. During heatwaves, the UHI effect can not only cause people to feel uncomfortable, but for vulnerable groups^{5,6} such as young children and the elderly, it also poses a serious health risk. This risk may lead to health problems such as exhaustion, respiratory illness and heat stroke⁷. As our climate changes, it is expected that in Banyule, heatwaves will happen more often, last longer and be more intense8.

Increasing the number of trees and other vegetation within the built environment helps mitigate the UHI effect. Through the process of transpiration⁹ and the provision of shade, trees help reduce day- and sometimes night-time temperatures.

Trees not only shade streets and footpaths, but their leaves also reflect more sunlight and absorb less heat than built materials reducing the heat absorbed by buildings and roads.

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SENSE OF PLACE AND SOCIAL CONNECTION

Access to nature, from large bushland reserves to individual street trees, can have positive effects on people's mental and physical health.

Key social benefits of the urban forest include:

- Shaping local identity Trees and other vegetation
 define the character and identity of urban places¹⁰.
 Trees, whether remnants of the original ecological
 community or exotics planted in the early
 settlement of Banyule, contribute significantly to
 a sense of place. Trees provide seasonal interest,
 food supply and natural beauty through their
 interesting colours, shapes, textures of bark,
 foliage, canopy, flowers and fruit.
- Improving social cohesion Access to trees in green spaces improves various measures of social cohesion including community connection by providing places for events, festivals and celebrations that can bring diverse groups of people together¹¹.
- Stress and wellbeing Recreation in green space can reduce stress and the psychological toll of urban living and improve mental health¹² among many other health benefits. Access to green space for 120 minutes per week can increase feelings of good health or wellbeing significantly for any age group, including older adults and those with longterm health issues¹³.
- Reducing crime rates Increased urban vegetation has been linked to reduced levels of crime.¹⁴



Figure 4. Benefits of the urban forest for Banyule

HEALTHIER BIODIVERSITY

Biodiversity isn't just about the diversity of trees and their species. A healthy, biodiverse place shows not only a breadth of species, but also a complexity of urban forest structure (such as trees, shrubs, groundcovers). Healthy biodiversity also includes the function (availability of a diverse set of urban forest features which support urban ecosystems, ground cover, tree hollows, feeding and roosting sites), and age, as well as space to allow the urban forest elements to grow, adapt and recover.

Biodiverse, complex and connected plant communities in urban areas are vital to support biodiverse faunal communities and may be far better at supporting humans in Banyule too.

REDUCED POLLUTION

In Melbourne, the main source of air pollution is emissions from vehicles. Combustion (burning) of other fuels (such as gas, wood, and coal) also contributes significantly to poor air quality¹⁵. Cities are often designed around cars, and there is growing evidence that people travelling outdoors near busy city roads are exposed to high levels of traffic emissions¹⁶.

Creating barriers between roads and people with dense roadside vegetation can shield communities from pollution. Trees and shrubs will assist pollution reduction as part of a road buffer with good structure (understorey and canopy) by reducing particulates such as PM2.5 and PM10¹⁷.

A STRONGER ECONOMY

There are a range of ways that trees contribute to the economies of urban places:

Reducing energy use and costs

When properly placed around buildings, trees can provide significant cooling, thereby reducing air conditioning needs and saving energy¹⁸. This in turn helps cut energy costs. In 2022 it was found that strategically planting shade trees around buildings can save annual heating and cooling costs by approximately \$50-90 per dwelling¹⁹.

Reducing expenditure

Costs of other local government services, such as air pollution removal and storm water infrastructure, can be reduced if trees and greening are present²⁰, and in some cases, lengthen the lifespan of nongreen assets such as asphalt roads by up to 30%²¹.

Increasing property values and benefits

The presence of trees in streets and nearby parks can increase residential property values²². The benefits of trees to property value are pronounced, with the dollar value of having a leafy street worth double the costs of street tree planting and management²³.

Improving city branding and economic productivity

Green space plays a role in creating a desirable character and city image, encouraging people to live, work and visit, which in turn can increase a city's economic productivity²⁴.

Better than alternative

Green infrastructure is long-term investment that reduces the need for much greater expenditures in grey infrastructure²⁵. An example is using a tree as shade as it has a lifespan greater than 50 years compared with an expensive shade sail that has a much-reduced asset life expectancy and significantly higher installation costs.

Challenges faced by Banyule's urban forest

Of the many challenges facing urban forests and their management, the most widespread and locally important issues for Banyule are climate change, population growth and barriers to forest growth and health.

CLIMATE CHANGE

Climate change is increasing the frequency, severity and duration of heatwaves, droughts and storm events. These changes are likely to have a significant effect on the trees in Banyule's urban forest.

48% of species in City of Melbourne were found to be moderately or extremely vulnerable to increasing temperatures predicted for Greater Melbourne

Heat

Some species that have previously thrived in Banyule may not be able to continue to do so in the decades ahead, and other species may perform better.

Some of Banyule's much-loved tree species, widely planted across our urban areas, do not handle heat well. Trees cool down by losing water from their leaves (evapotranspiration). In doing this, trees also cool the surrounding environment (Figure 5). However, when exposed to high or prolonged heat and drought, a tree might suffer modest to extensive dieback (loss of foliage and other outer parts), reducing their ability to cool down. This loss can depend greatly on tree species.

Research undertaken by the School of Ecosystem and Forest Science at the University of Melbourne in 2016²⁶ found that 48% of the species present in the City of Melbourne, and more than a third of currently planted trees, were moderately or extremely vulnerable to increasing temperatures under a moderate climate change scenario.

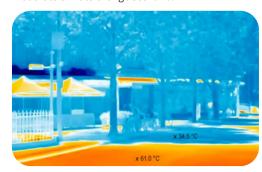


Figure 5. Thermal images taken in a January 2017 heatwave show the impact of urban heat islands in Melbourne. Source: City of Melbourne

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Tree canopy has the most significant impact on reducing urban heat while shrubs have a lesser effect. Melbourne has experienced some significant drought and heatwave conditions over the last decade²⁷. Trees and canopy, along with water sensitive urban design, can significantly reduce temperatures in urban areas, making it more comfortable for people to move around, socialise and maintain good health and wellbeing²⁸.

Some of the trees in Banyule will be lost to pests, disease and heat stress in the near future as a result of climate change. This will result in loss of shade and amenity, and contribute to increased maintenance and watering costs. Action on species resilience to climate change ties directly into Banyule's 2019 declaration of a climate emergency²⁹.

Storms

Climate change brings more frequent extreme weather events. Recent storm events have significantly damaged trees in Banyule (**Figure 6**). Trees that are planted for stability, with appropriate size and feature selection, are best suited to withstand the force of high winds and storms. The physical features of trees, such as size, root structure and branching structure affect how a tree will respond to forces from wind with species being a critical factor.



Figure 6. Banyule Council arborists clean storm damage in Ford St, Ivanhoe. Source: Banyule City Council

POPULATION GROWTH AND URBAN CONSOLIDATION

Up until about 1990, much of Melbourne's residential development consisted of modest-sized detached houses that took up about a third of the typical property lot, and a large backyard³⁰. This previously common type of backyard created large areas of private open space that had ecological, cooling, aesthetic and many other benefits.

Urban growth in Melbourne has since trended towards larger houses on smaller plots as well as urban infill in established urban areas. This tendency consolidates the urban population, building more medium to high density development into cities. This sort of growth has reduced garden sizes from the large backyards seen before the 1990s. (Figure 7).

Banyule has planning provisions that can assist in protecting the urban forest and replanting trees that are lost due to age, damage and other factors.





Figure 7. Urban development and densification – larger houses on smaller plots and infill housing are eroding the space provided for trees and the urban forest. Source: Banyule City Council

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PESTS AND DISEASES

Climate change can alter dynamics of tree pests and pathogens and affect the capacity of forest systems to resist and tolerate attacks.



Figure 8. Myrtle rust (Austropuccinia psidii) on Callistemon sp.³¹

Myrtle rust

Myrtle rust is a plant fungal disease. Its presence in Victoria is mainly within commercial nurseries in and around metropolitan Melbourne. When it appears on a plant, it looks like bright yellow egg yolk and is found on the leaf surface.

Myrtle rust threatens trees and shrubs in the Myrtaceae family, which includes Eucalyptus, Angophora and Callistemon species, among many others³². It can deform tree leaves, cause leaf loss, reduce fertility, stunt plant growth and result in

plant death³³. Although Myrtle rust has not been detected in Banyule, it is critical that we understand its spread and impact so we can protect the natural environment.

TREE VANDALISM

Trees and vegetation are vandalised when removed, destroyed, pruned or interfered with without permission. Trees, especially public trees, are vulnerable to vandalism. Many mature publicly-owned trees are killed each year throughout Australia³⁴. However, young trees are the more common targets of vandalism in the form of theft or destruction.



Figure 9. Tree vandalism



Why an Urban Forest Strategy?



Figure 10. Conflicts with infrastructure means we need to rethink the way we plan and integrate the urban forest with other essential assets. Image Source: ABC Radio Sydney: Fiona Brewer³⁵

INFRASTRUCTURE CONFLICTS

Underground and above-ground conflicts for trees are complex and can involve a range of interested parties.

Public space, especially nature strips, needs to be shared by trees with concrete for kerbs and footpaths, utility pipes and wires and for bin collection. Issues or damage can arise when the demands on the space and the tree species are not planned together (**Figure 10**).

Other physical constraints of urban environments on tree planting include:

- conflicting priorities for space such as line-of-sight requirements from pedestrian crossings and streets intersections
- · footpath width requirements
- on-street parking requirements (which prevents/ limits planting in the road).

The conditions of weather, soil type and soil volume, aspect, wind and shade can also affect the viability of trees in urban spaces. Providing a tree with the space it needs to grow healthily can avoid conflict with other needs above and below ground.



Figure 11. Poor soil depth, small planting footprint and compacted soils cause damage to footpaths. Source: Banyule City Council

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SECTION 3.

Banyule's urban forest today

To plan for the future of the Banyule urban forest, it is important to first understand the current state of the urban forest.

This section explores the state of the urban forest using the available data from Council³⁶, the Victorian Government (Vegetation Change 2014-2018³⁷; Vegetation Extent 2021³⁸; Planning Scheme Zones³⁹) and the Federal Government Socio-Economic Indexes for Areas (SEIFA⁴⁰) as well as literature on urban forestry. This section provides a snapshot of the current state of Banyule's urban forest.

Banyule's places

The diverse character of Banyule's urban forest and local neighbourhoods means it is important to take a place-based approach to urban forest management. To support this, we have considered the city as a whole, as well as its specific places, such as neighbourhoods, suburbs, natural areas and water catchments.

NEIGHBOURHOOD CHARACTER

Neighbourhood character is the way buildings, vegetation and the topography relate to each other to create a visual sense-of-place. It's what makes one place different from another.

The vegetation and trees that make up the urban forest have a significant impact on character. The Neighbourhood Character Strategy 2012 and Residential Neighbourhood Character Policy assist developers to respect the existing character and/or contribute to the preferred character of an area.

The Neighbourhood Character Strategy lists five types of character areas, each with specific reference to the types of vegetation that contribute to the existing and future desired character (**Table 1** & **Figure 12**).

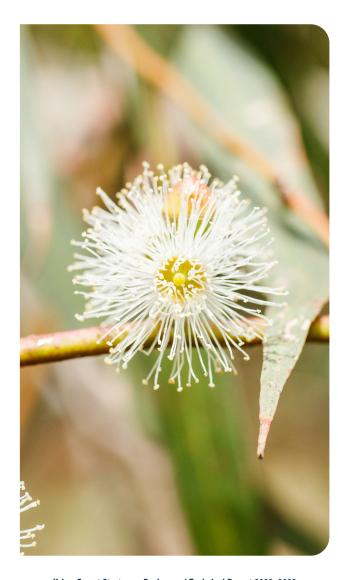






Banyule's urban forest today





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Table 1. Features of the Neighbourhood Character places in Banyule

FEATURES

URBAN FOREST CONSIDERATIONS

GARDEN SUBURBAN

Occupies most of the Banyule municipality

Spacious leafy character

Formal garden settings

Wide and open street space with mature and exotic vegetation

Tree-dominated landscape setting in some streets.

Special mention of the Heidelberg to Eaglemont Ridgeline

Bundoora to Diamond Village to Army Barracks Ridgeline Mix of exotic and native

Opportunity for range of nature strip gardens (native and exotic)

The continuous green, dominant treed canopy and natural vegetated appearance of the ridgelines should be maintained and improved

The continuity of the treed canopy should only be punctured by taller developyment at the core of Activity Centres

Integrate water sensitive urban design into streetscape and open space plantings

GARDEN COURT

Occupies a large area of Banyule

Spacious, often informal garden settings with a mix of native and exotic plantings

Important characteristics of the area are the mature vegetation setting in most of these areas and the tall indigenous native trees that should be retained

Bundoora to Diamond Village to Army Barracks Ridgeline

Mix of exotic and native

Opportunity for range of nature strip gardens (native and exotic)

Courts often have a common identity of vegetation or garden style

Courts often have no clear delineation of private garden and public nature strip

The continuous green, dominant treed canopy and natural vegetated appearance of the ridgeline should only be punctured by taller development at the core of Activity Centres

Integrate water sensitive urban design into streetscape and open space plantings

Banyule's urban forest today

FEATURES

URBAN FOREST CONSIDERATIONS

BUSH GARDEN

There are three areas of Bush Garden neighbourhoods across Banyule

Stands of substantial large native trees

Important characteristics of the area are the canopy of indigenous and other native vegetation

Trees and other vegetation dominate the street scene and many longer distance views

Dwellings sit beneath the tree canopy, within established gardens

The Foothills Ridgeline runs through the Semi Bush Area

Use of local and native species should be preferenced in public plantings

Opportunity for habitat nature strip and open space gardens and ecological corridors

Encourage through advocacy the planting of indigenous plants on private property

Removal of large trees should be avoided

The continuous green, dominant treed canopy and natural vegetated appearance of the ridgeline should be maintained and improved

Integrate water sensitive urban design into streetscape and open space plantings

SEMI BUSH

There are two areas of semi-bush neighbourhoods in Banyule separated by a large Bushland neighbourhood character zone

Highly valued native vegetation-dominated residential environments

At risk of more intense development

Important characteristics of the area are the canopy of indigenous trees and abundant vegetation

Trees and other vegetation dominate the street scene and many longer distance views

The Foothills Ridgeline runs through the Semi Bush Area

Use of local and native species should be preferenced in public plantings

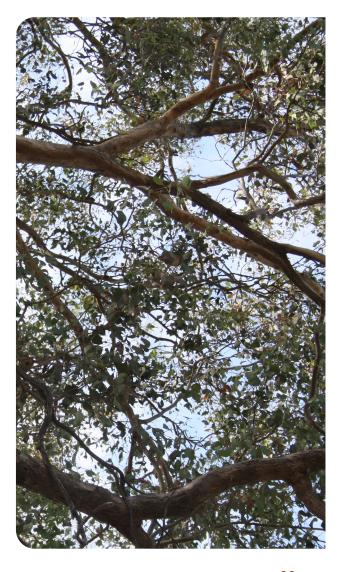
Opportunity for habitat nature strip and open space gardens and ecological corridors

Encourage through advocacy the planting of indigenous plants on private property

Removal of large trees should be avoided

The continuous green, dominant treed canopy and natural vegetated appearance of the ridgeline should be maintained and improved

Integrate water sensitive urban design into streetscape and open space plantings



Banyule's urban forest today



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FEATURES

URBAN FOREST CONSIDERATIONS

BUSH WOODLAND

Two areas in the southeast of Banyule

Rural, undeveloped character with significant indigenous vegetation

Farmland landscape character: meandering or straight country roads without kerbs

Important characteristics of the area are the dominant landscape setting of rolling hills and the Yarra River flood plain, together with remnant indigenous vegetation

Mixed use of natives and exotics – use of local native species should be preferenced in public plantings

Opportunity for habitat nature strip and open space gardens and ecological corridors to join pockets of bushland and open spaces

Encourage through advocacy the planting of indigenous plants on private property

Retain unformed kerb and gutter and integrate water sensitive urban design with urban forest management

Removal of vegetation should be avoided

The continuous green, dominant treed canopy and natural vegetated appearance of this ridgeline should be maintained and improved

Integrate water sensitive urban design into streetscape and open space plantings



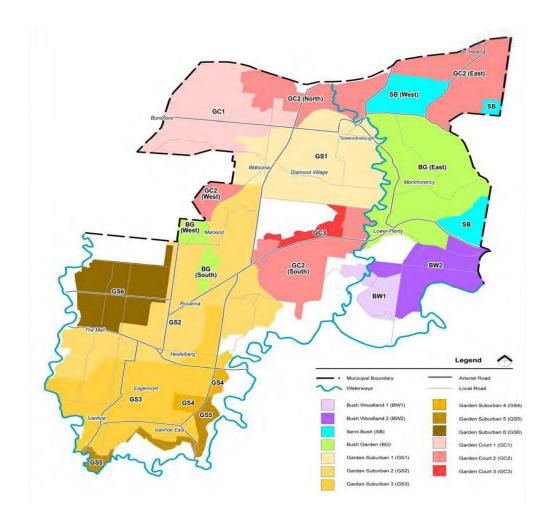


Figure 12. Banyule's Neighbourhood Character Precincts

Banyule's urban forest today

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Tree canopy cover in Banyule

Areas of Banyule with the lowest canopy cover are in the north-west and south-west parts of the Local Government Area

DISTRIBUTION OF CANOPY COVER

The urban forest canopy is not evenly distributed across Banyule (**Figure 13** and **Figure 14**).

Data provided by the Victorian Government show that residential areas with lowest canopy cover are in the north-west of Banyule, in particular Bundoora. The Heidelberg West Business Park has very low canopy cover, typical of industrial estates across Melbourne.

The southern area of Lower Plenty encompasses the floodplain of the Yarra River which is still used for grazing and is the location of a golf course. Both these land uses have low levels of canopy cover. Typical streetscape images of these areas are provided at **Figure 15**.

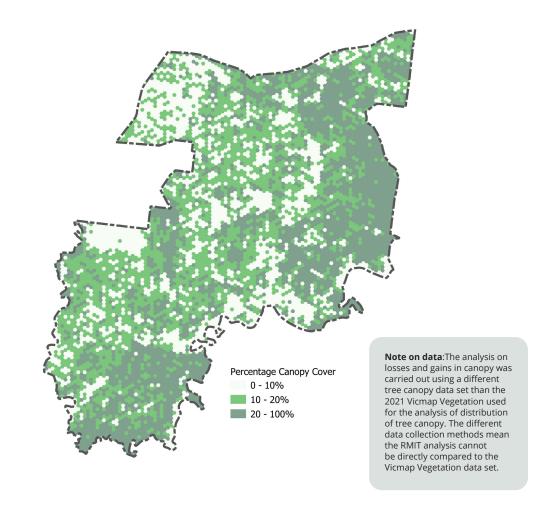


Figure 13. Tree canopy cover across Banyule. Cover is averaged to hexagonal mesh with 100 m long sides. Suburb boundaries are represented by thin black lines. Data collected, quality assured and supplied by the Victorian Government as part of the Vicmap data set released in 2021⁴¹

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Banyule's urban forest today

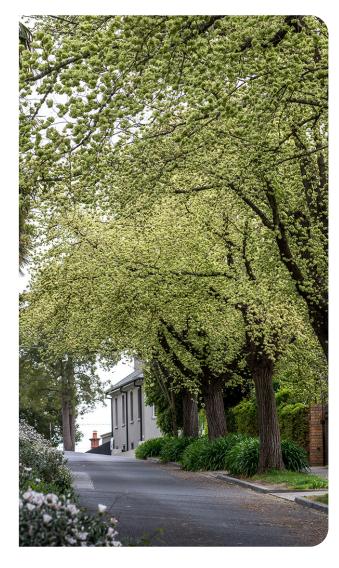


Figure 14. Tree canopy cover by suburb. Data collected, quality assured and supplied by the Victorian Government as part of the Vicmap data set released in 2021^{43}

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Banyule's urban forest today







Figure 15. Images from areas of Banyule with low canopy cover: Taunton Drive in Bundoora (top), Orthla Avenue in Heidelberg West (middle) and Orsova Court in Bundoora. Source: Google Maps

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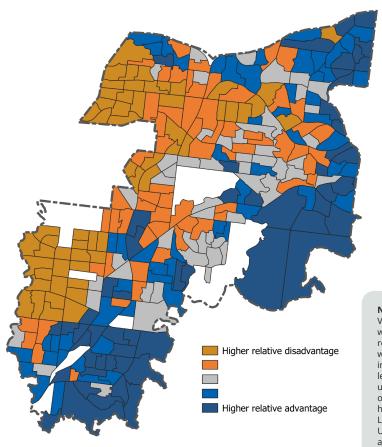
Urban forest equity

The uneven distribution of canopy means the benefits of the urban forest are not felt equally across the population. This is problematic when low canopy cover coincides with the location of more vulnerable communities.

The distribution of social advantage and disadvantage across Banyule using SEIFA can be seen in **Figure 16**. The spatial distribution of SEIFA (the Socio-Economic Indexes for Areas, and the Index of Relative Social Advantage or Disadvantage (IRSAD)⁴²) in Banyule shows that areas of disadvantage are concentrated in the western areas of Banyule, in particular Bundoora, Watsonia, Heidelberg West, Heidelberg Heights and Bellfield. Greensborough has a mixture of advantage and disadvantage, and most of the eastern area of Banyule shows relative social advantage with respect to Victoria as a whole.



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Note on data: Vicmap
Vegetation Tree Urban
was constructed from high
resolution aerial photography
which was used as the source
information and a machine
learning technique was
utilised to extract the location
of individual trees. A canopy
height model derived from
LiDAR which covered the tree
Urban extent was used to
assign height to each of the
mapped trees.

Figure 16. Map of SEIFA in Banyule. The red and orange areas have a higher social disadvantage relative to other parts of Banyule and Victoria. The blue parts of this map are areas of relative social advantage.

Combining the canopy cover data with SEIFA shows a relationship between social disadvantage and tree canopy cover. The results show that the most advantaged communities have the highest level of canopy cover, with a general trend towards lower canopy with higher levels of disadvantage (Figure 17).

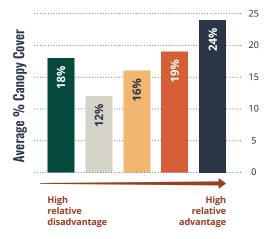


Figure 17. Percentage tree canopy cover by SEIFA

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Banyule's urban forest today

HOW IS CANOPY COVER CHANGING ACROSS BANYULE?

Banyule had a net loss of canopy between 2014 and 2018, but there was a net gain on public land

This can be seen using data that was generated in a 2019 RMIT University report that assessed changes in urban forest canopy between 2014 and 2018⁴³. This analysis combined Australian Bureau of Statistics (ABS) data with Commonwealth Scientific and Industrial Research Organisations (CSIRO's) imagery-based classification of varied land surfaces (e.g., roofs, vegetation lawns)⁴⁴ to assess change in canopy cover and the relationship between any observed change and land-use categories.

Most of the loss occurred across private land and 97% of the private canopy loss was on residential land. There was a net gain in public canopy over this time (16%), but not enough to balance the canopy losses on private property.

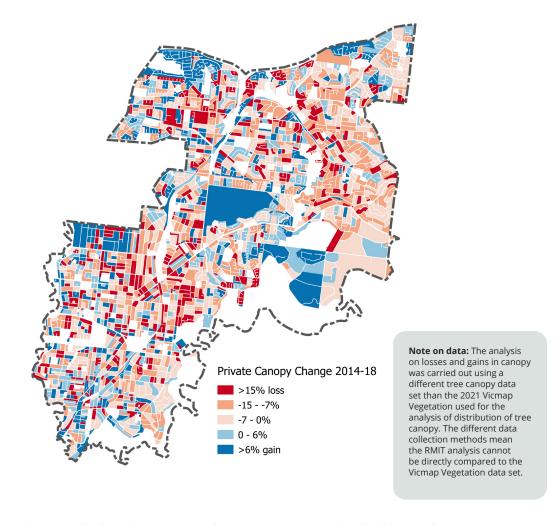


Figure 18. The change in canopy cover between 2014-2018 on private land in Banyule (RMIT 2019)

Banyule's urban forest today



Canopy over footpaths and local roads

Trees in streets provide shade for daily activities and influence the way that people access and experience active travel options such as walking and cycling⁴⁵.

Shade from trees provides protection from UV exposure and a comfortable walking environment⁴⁶. Closely spaced shade trees are described as an essential ingredient for designing 'walkable communities for pedestrians'⁴⁷. Street trees also make a substantial contribution to the visual attractiveness of the streetscape and provide important habitat and movement pathways for animals. The value the community places on trees in streets is reflected in the higher prices paid for houses on leafy streets⁴⁸.

The current extent of tree canopy cover of public footpaths across the city was measured by analysing data sets that map the current urban forest canopy (using 2020 DELWP data) and footpaths along streets and in parks and reserves. Canopy cover was determined as the extent of canopy polygons sitting over footpath polygons. Tree canopy over footpaths ranges from 24.9% in Bundoora and 26.2% in Bellfield up to 41.4% in Ivanhoe East and 51.1% in Eaglemont.

Figure 19 and **Figure 20** show low canopy in the streetscape of Bundoora. **Figure 21** shows the impact of shaded streetscape in Ivanhoe East which is more amenable to walking.



Figure 19. Poorly shaded footpaths in Bundoora. Source: Banyule City Council



Figure 20. Streetscape view of poorly shaded footpaths in Bundoora. Source: Google Maps



Figure 21. Streetscape view of well shaded footpaths in Ivanhoe East. Source: Google Maps

Banyule's urban forest today

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Diversity and age of public trees

DIVERSITY OF SPECIES

Overall, Banyule's species-level diversity at the whole of city area is healthy. **Figure 22** shows the current diversity of species in Banyule's recorded public street tree population (note: current tree records focus on street trees and high use parks, with most of the city's natural area park trees yet to be included in the inventory).

The data shows that of the five dominant species, no single species contributes more than 7% of the public tree inventory.

The most dominant tree is *Eucalyptus melliodora* or Yellow Box, with 6% of the recorded population (7500 out of 125,000 trees).

While the overall diversity of the urban forest tree population is good, there are some neighbourhoods where street trees are much less diverse. In the Semi Bush and Bush Woodland precincts, more than 25% is made up of *Eucalyptus melliodora*.

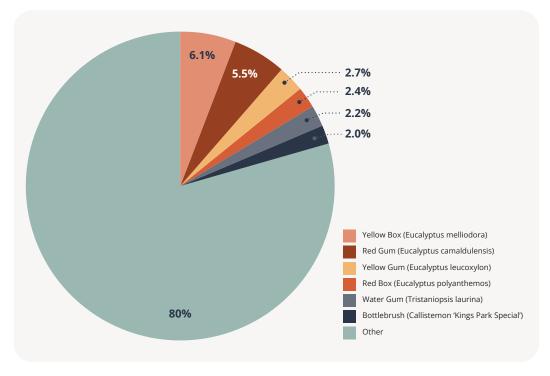


Figure 22. Public tree species in Banyule, based on analysis of Council's tree inventory which includes all street trees and some park trees.



Banyule's urban forest today

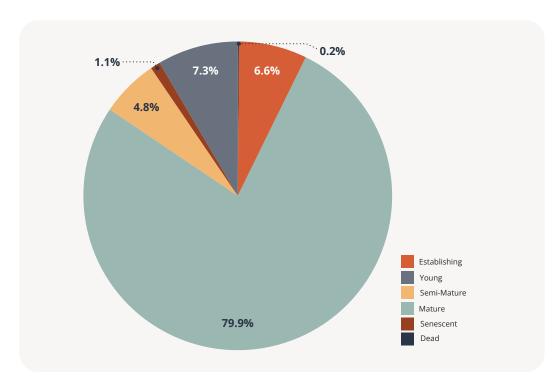


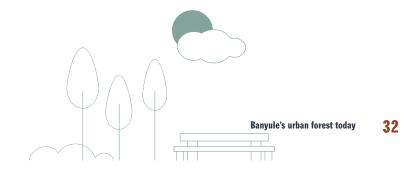
Figure 23. Public tree age across Banyule, based on analysis of Council's tree inventory which includes all street trees and some park trees.

DISTRIBUTION OF AGE

Figure 23 shows the age of public street trees across Banyule. There is not available data for date of planting prior to 2016, so tree age has been estimated.

The majority of trees in the 'mature' or younger category have an estimated lifespan of over 30 years. Most trees that are in the 'senescent' category are shorter lived, with a lifespan of less than 30 years.

Most of the street trees in Banyule are mature, a phenomenon seen across each of Banyule's neighbourhoods. In part by nature of their large area, the Garden Court and Garden Suburban Precincts contain the majority of these aging trees.



Climate vulnerability

The impact of climate change on the vulnerability of the most common trees in Banyule is illustrated in **Figure 24**. This projected vulnerability is based on climate vulnerability data used to assess the City of Melbourne's street tree climate vulnerability⁴⁹ and CSIRO's climate analogues⁵⁰ (**Table 2. Climate change scenarios**).

The analysis shows that under an extreme climate change scenario (3°C increase in mean annual temperature by 2090), common trees that are well adapted to the present climate will become very vulnerable to future conditions e.g., Yellow Box (Eucalyptus melliodora), Yellow Gum (Eucalyptus leucoxylon) and Narrow-leaved Black Peppermint (Eucalyptus nicholii). The first two of these species are locally native (indigenous) and common in Banyule.

Under an extreme climate future (3°C increase in mean annual temperature by 2090), 40% or more of the public tree population would have moderate to high vulnerability to projected climate change.

Under a more moderate climate scenario, over 20% of the most common tree individuals may show increased vulnerability to climate change.

Table 2. Climate change scenarios

CURRENT CLIMATE

- Mean annual temp 16.4°C
- Extreme maximum temperature 44°C
- Extreme minimum temperature of -2.4°C

MODERATE CLIMATE CHANGE SCENARIO

- 0.8 °C increase in mean annual temperature to 17.2°C
- 0.5 °C increase in extreme maximum temperatures 44.5°C
- 0.5 °C increase in extreme minimum temperatures to -1.9°C
- Climate changing to resemble Albury-Wodonga

EXTREME CLIMATE CHANGE SCENARIO

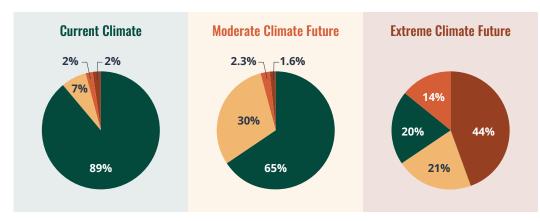
- 3 °C increase in mean annual temperature to 19.4°C
- 2 °C increase in extreme maximum temperature to
- 2 °C increase in extreme minimum temperature to -0.4°C
- Climate changing to resemble inland NSW towns of Dubbo, Parkes and Forbes



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Banyule's urban forest today

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KEY: The colours in the charts represent different levels of vulnerability to increased temperatures under different climate scenarios.

Green – species in this group are not considered vulnerable in each climate scenario. The proportion of species in Banyule in this group declines from 89% to 20% in the extreme climate future.

Amber and amber-max – species in this group are moderately vulnerable in each temperature scenario. The proportion of species in this group increases from 99% in the current climate to 35% to 32% in the moderate climate future.

Red – species in this group are very vulnerable in each temperature scenario. 44% of the 30 most common species in Banyule would be very vulnerable to climate change, and 35% would be moderately vulnerable.

Figure 24. Vulnerability of Banyule's current public tree composition to climate change, given different scenarios



A Powerful Owl in a Banyule tree Image credit: banyule.vic. gov.au/Events-activities/Whats-on/Council-events/Biodiversityphoto-contest

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Banyule's urban forest today

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SECTION 4.

Where is Banyule's urban forest most vulnerable?

A central tenet of the Urban Forest Strategy is that actions should target places in greatest need. To determine where these places are, we looked at the available data to assess the areas of highest need i.e. those that were most vulnerable.

Determining high priority places

There are many ways to define where both the urban forest and the community are most vulnerable and where priority action is needed. Spatial analysis using overlaying data about vegetation in an area and how the community uses that area, is one way we will rank the importance of action in different areas.

Having access to good quality, well-collated data about the trees and vegetation and their urban environment is critical to the delivery of best practice urban forestry⁵¹. Banyule, the Victorian Government and others have a range of data available that has assisted with the analysis of urban forest vulnerability in Banyule. As data improves, the

accuracy of prioritisation will improve.

Data for this analysis has come from:

- Banyule's Tree Inventory (2021)
- Vicmap Vegetation Tree Extent Data (2021)⁵²
- Victorian planning scheme zones (2022)⁵³
- Socio-Economic Indexes for Areas SEIFA (2016)⁵⁴
- Metropolitan Melbourne Heat Vulnerability Index (2018)⁵⁵
- Victorian Planning overlays, specifically Land Subject to Inundation Overlays (LSIO) and Urban Floodway Zone (UFZ) (2022)⁵⁶

PRIORITISATION MATRIX

A draft prioritisation matrix has been applied to a series of urban forest data to demonstrate the approach and results. The matrix proposes a method to collate and assess climate, urban forest and socioeconomic data (historic, current and emerging) to assign weightings against actions.

The matrix is intended to be used as living tool and will be periodically reviewed to refine its application against emerging data and trends.

Where is Banyule's urban forest most vulnerable?

While there are many elements that could be included in the matrix, the following six elements of the urban forest were considered important to assess priority places for Banyule. The features characterising areas considered more vulnerable or more in need of urban forest action are in brackets.

- Existing canopy cover (Low canopy cover)
- Socio-economic disadvantage (High levels of socioeconomic disadvantage)
- Biodiversity (Low levels of biodiversity/habitat)
- Urban heat islands (High levels of urban heat)
- Walking routes (Priority walking and cycling routes present and opportunities for connectivity)
- Flooding hot spots (Nuisance flooding)

Other factors that can be included in the prioritisation matrix in the future include:

- · Places with capacity for storm buffer/wind break
- Places that can accommodate large trees
- · Relative diversity of tree species
- Trees reaching the end of their life (useful life expectancy - ULE)
- Areas with upcoming maintenance activities or capital works planned e.g. roads, footpaths, traffic calming infrastructure
- Active Transport Routes, such as shared user trails
- An intersectional Gender Impact Assessment (GIS)

EMERGING PRIORITY PLACES FOR URBAN FOREST ACTION

The analysis of data using the draft prioritisation matrix shows that the high priority areas for intervention and urban forest improvements, as shown in **Figure 25**, are:

- Bellfield
- Bundoora
- Eltham North
- Greensborough
- Heidelberg
- · Heidelberg Heights
- · Heidelberg West
- Ivanhoe
- Viewbank
- Watsonia

These suburbs have a range of factors to make them priorities. For example, Bundoora has low canopy cover and higher disadvantage while areas of Ivanhoe East are prioritised for their pedestrian activity, urban heat and proximity to biodiversity areas. Greensborough, Watsonia and Yallambie have lost significant areas of vegetation since the canopy baseline was taken, due to the construction of the North East Link project. Re-establishing that canopy will require large efforts by the Victorian Government in coordination with Banyule.



Where is Banyule's urban forest most vulnerable?





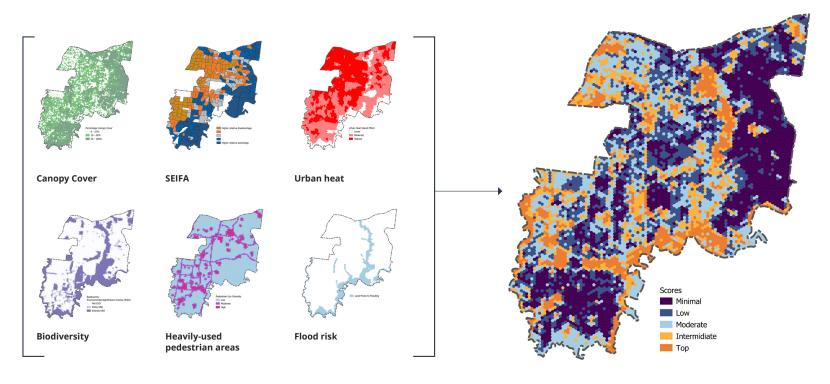
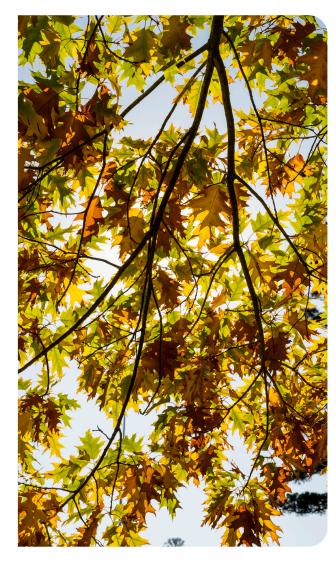


Figure 25. Draft spatial prioritisation of urban forest actions in Banyule with equally weighted factors

Strategic Area 1 – Prioritise urban forest improvements in the most vulnerable suburbs and places has a number of actions to formalise this approach, including developing an agreed weighting of the factors, the need to align action plans with the prioritisation and the periodic review of the matrix as new data becomes available.



SECTION 5.

Monitoring and evaluation of this Strategy

This Urban Forest Strategy has been prepared with a vision for the far-future (50+ years) and with a set of principles, strategic focus areas and major actions to be implemented over a 10-year period.

The implementation of the Strategy is to be managed by the Parks and Natural Environment department, however there is a role for all areas of Council. Being accountable to the community on the delivery of the Strategy is to be done through measures of success that will be reported, with the timeframes and data sources detailed later in this document.

It is recommended that the Strategy is reviewed after five years to assess, refine and update major actions.

It is important that Council can track its progress towards the Urban Forest Vision, against the achievement of the ten-year strategic areas and against the major actions. To support the monitoring and evaluation of the Strategy, there are three scales of measures:

- A series of **Key Performance Indicators** (KPIs)

 to be measured throughout the life of this
- A series of **indicators** to measure progress on the Vision – these are to be measured throughout the life of this Strategy and beyond
- 3. A series of **measures** that have been carried over from the 2015 Urban Forest Strategic Plan

Key Performance Indicators of major actions

To drive the performance of the Strategy, three **Key Performance Indicators** (KPIs) are used:

- 1. Canopy cover across all suburbs 30% by 2050 with no loss in suburbs exceeding the target
- Canopy cover across the footpath and local road network - 45% by 2040 with no loss in suburbs exceeding the target
- Canopy cover across the open space shared path network and surrounding playgrounds – 50%by 2050

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SUBURB CANOPY COVER TARGET

Banyule has committed to achieving 30% canopy cover across all suburbs by 2050.

With the principle that the urban forest should be shared by all the communities in Banyule, this level of canopy cover should be the minimum target for all suburbs, not just for Banyule as a whole. Figure 26 shows the current canopy cover in Banyule's suburbs and the results of modelling additional canopy gain from new and vacant street tree plantings.

Although one suburb currently exceeds the 30% target, and some only require a small addition of canopy by 2050 to achieve the target, the majority of Banyule suburbs need substantial increases over current canopy to achieve the target of 30%.

Major canopy gain outside of street tree and open space planting is required to achieve the target.

The additional canopy needed to reach the desired 30% target across all suburbs will need to be met through:

- Private land canopy gain and gains on land held by other authorities
- Growth of canopy from existing established trees
- Growth of canopy in open space and Councilmanaged sites from the established trees
- Changing the way that public trees are planted in roadways and other Council land that would require significant infrastructure changes to give them more space and water.

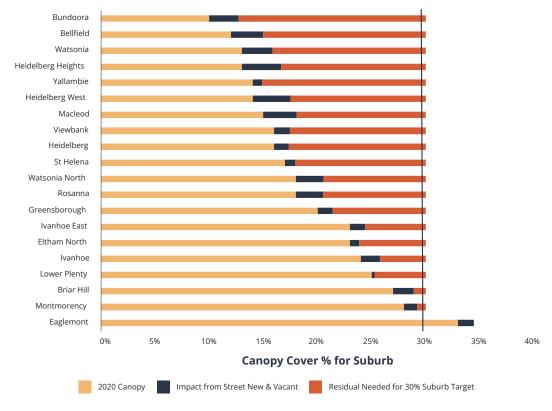


Figure 26. Suburb canopy cover - gap to 30% Target (yellow bars indicate current canopy, blue bars indicate projected canopy increase from street tree planting, orange bars indicate the gap between projected canopy cover and needed canopy cover)

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FOOTPATH AND LOCAL ROADS CANOPY COVER TARGET

Banyule has committed to achieving 45% canopy cover across the footpath and local road network by 2050

The current extent of tree canopy cover of public footpaths across the city was measured by analysing data sets that map the current urban forest canopy and footpaths along streets and in parks and reserves.

The inequality of existing canopy by suburb footpath was in line with the canopy cover of the suburb as a whole described above. Suburbs with long established street trees have much better canopy cover over footpaths, making walking more accessible and inviting. (**Figure 27**).

The potential future increase in footpath canopy cover was estimated by creating a 'future canopy' data set that modelled future canopy increases from tree planting in known vacant tree planting sites and the growth of trees that have been planted recently.

Footpath Canopy Cover by Suburb over Walking Paths Percentage Canopy etters Heights Viewbork Canopy 2020 Predicted Canopy - Mixed Sizes

Figure 27. Footpath canopy cover - current and predicted

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OPEN SPACE PATH NETWORK CANOPY COVER TARGET

Banyule has committed to achieving 50% canopy cover across the open space path network by 2050

Following the principle of shade for daily activities in open spaces, including walking, exercising, cycling and visiting playgrounds, the Draft Urban Forest Strategy proposes the open space path network and surrounding playgrounds canopy target is 50% by 2050.

ACCELERATED INFILL PLANTING PROGRAM

Action S1.6 is for the delivery of a program to promptly plant street trees in all vacant viable spaces. In 2022, the street tree inventory has a figure of nearly 10,000 vacant sites.

Each year, there are removals from the streets that need replacing, either trees that have been removed as they have less than 5 years' useful life expectancy or that have prematurely been lost from pest, weather or other damage.

The current capability of the Parks and Natural Environment depot nursery and the contractor panel arrangements does not allow jumping from the current planting level to 5000 trees per annum. It is proposed to increase capability progressively to allow time to improve facilities and ensure that all sites are mapped with appropriate species in line with the numerous actions that deliver recommended species lists, decision-making guidelines and placebased plans. Increasing to 5000 trees planted per annum in 2026 and 2027 would fill all vacancies; the total number of trees to be planted in the initiative period is 16,000. After 2027, the planting level would return to the current funding level of approximately 2000 trees per year which enables the continued maintenance of the inventory.



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Monitoring progress towards the Urban Forest Vision

The Banyule vision for the urban forest is a long-term statement.

Indicators for the four core aspects of the vision have been developed to assist Council to monitor and report on progress (Figure 28). The indicators, source of information and frequency of collection are outlined in **Table 3**.

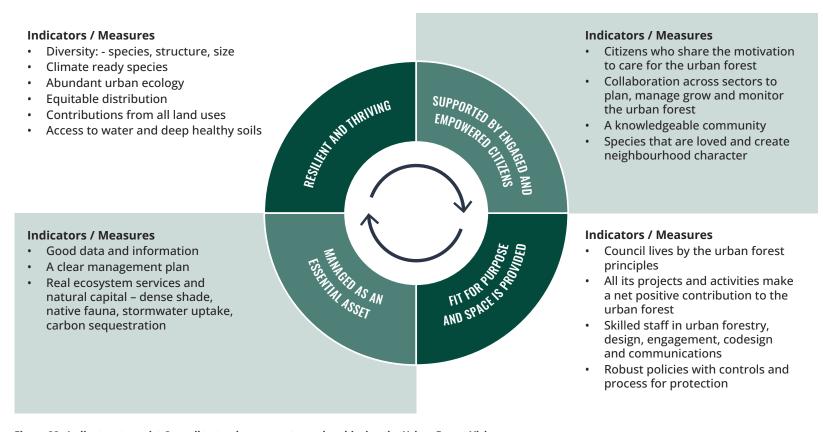


Figure 28. Indicators to assist Council to track progress towards achieving the Urban Forest Vision

Monitoring and evaluation of this Strategy

Table 3. Measuring progress towards the Urban Forest Vision

INDICA	TOR	DATA SOURCE	FREQUENCY	CHANNEL
Resilient and thriving	Diversity - species, structure, size	Tree inventory + maintenance program data	Annual	State of the Environment
	Climate-ready species	Tree inventory Recommended species lists	Annual	State of the Environment
	Abundant urban ecology	Flora and Fauna analysis Citizen science	5 years Annual	State of the Environment
	Equitable distribution	Canopy analysis Prioritisation method	5 years	Urban Forest Strategy update
	Contributions from all land uses	Canopy data	Annual	State of the Environment
	Access to water and deep healthy soils	Number of capital works integrating Water Sensitive Urban Design (WSUD) and urban forestry	Annual	Annual Report
Supported by engaged and empowered citizens	Citizens who share the motivation to care for the urban forest	Number of participants in urban forest programs	Annual	State of the Environment
	Collaboration across sectors to plan, manage, grow and monitor the urban forest	Number of partners or projects initiated for urban forest development not delivered by Council	Annual	State of the Environment
	A knowledgeable community	Community satisfaction (attitudes, values) survey	2 years	Annual Report
	Species that are loved and create neighbourhood character	Community satisfaction (attitudes, values) survey	2 years	Annual Report
		Change in attitude to trees and species selection – sentiment tracking	Continuous	

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INDICATOR		DATA SOURCE	FREQUENCY	CHANNEL
Managed as an essential asset	A clear management plan	Asset management plan for the urban forest is in place	Annual	Annual Report
		A renewal plan is in place for increasing the urban forest in the most vulnerable areas	Annual	
	Good data and information	Systems to prioritise, measure, monitor, resource and report for assets are in place	Annual	Annual Report
	Real ecosystem services and natural capital – dappled shade, native fauna, stormwater uptake, carbon sequestration	A valuation method is adopted and used to measure/ estimate the benefits from urban forest assets	5 years	Urban Forest Strategy update
Fit for purpose and space is provided	Council lives by the urban forest principles	Internal learning and development program results - attendance at training	Annual	Annual Report
		Areas in Council that include urban forest action in plans and programs		
	All its projects and activities make a net positive contribution to the urban forest	Number of projects including urban forest outcomes	Annual	Annual report
	Skilled staff in urban forestry, design, engagement, codesign and communications	Internal Learning and development program results - attendance at training	Annual	State of the Environment
		Areas in Council that include urban forest action in plans and programs		
Fit fo	Robust policies with controls and process for protection	Regular policy review	5 years	Urban Forest
		Thorough policy review (evidence, review, update, communicate, train/inform, monitor)		Strategy update

SECTION 6.

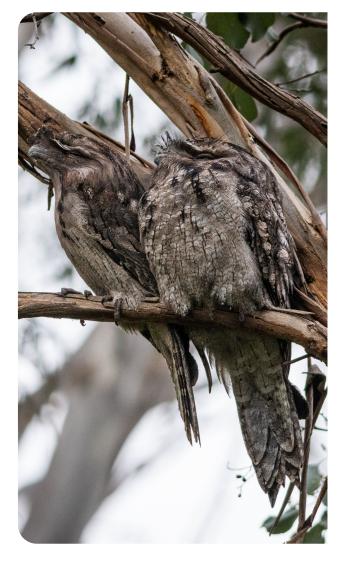
Strategic areas for the Banyule urban forest

This Strategy outlines six key strategic areas of focus. Each strategic area has a series of major actions to be implemented over the short- and medium-term.

Key Performance Indicators assist with measuring and reporting on success and supporting a continuous improvement process for the management of the urban forest.

This section outlines each strategic area and provides:

- 1. An overview of the issue being addressed
- 2. The major action areas to be implemented by Council and its partners over the next 10 years
- 3. Case studies of best practice by other local government agencies





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The details of the actions in each strategic area are listed below with classification of their timeframe, investment commitment level, funding model and departments to lead the action:

Existing	Council can adopt these actions within the current proposed budgets. They can be integrated into existing programs or investigated without additional staff or infrastructure requirements.
\$	<\$10k. Low-cost action.
\$\$	\$10k-\$100k. Council should plan for budget beyond the current proposed budget. Investment in additional research, infrastructure, staffing or funding is required to realise the action.
\$\$\$	>\$100k. Council will require significant additional budget to realise the action, due to the need for new infrastructure, additional staff or introduction of regulations and / or requirements.
Short term	1–3 years.
Medium	4–8 years.
Ongoing	Commencing from 2023.

Summary of investment and timeframe

O. OF ALL CTIONS	ACTIONS USING EXISTING CAPACITY	SHORT TERM 2023 - 26	MEDIUM TERM 2027 - 30	ONGOING
3	18	23 actions over years 1-3	14 actions over years 4 – 8	19 actions ongoing

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Strategic Area 1 – Prioritise urban forest improvements in the most vulnerable suburbs and places

OVERVIEW

This direction will see Council and the community take affirmative action to address the inequity in canopy cover and urban forest quality in the areas with the lowest canopy, the highest proportion of lower socio-economic communities, areas of highest urban heat and exposure to the impacts of climate change (Figure 25).



MAJOR ACTIONS

ACTIO	ONS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S
S1.1	Develop an agreed urban forest prioritisation method that is based on the Urban Forest Principles to identify areas in most need of planning and intervention.	Determine a weighting for combining spatial factors of canopy cover, socio-economic disadvantage, UHI priority, flooding, wildlife corridors, intersectional gender equity, etc. The output is a map to allocate the relative priority of taking action in different locations.	Short	\$\$	Project	Urban Forestry	
S1.2	Review the urban forest priorities every 3 years (using the prioritisation method) and include actions in asset management and annual operational plans.	To be reflected in service levels and annual operational plans with a workshop review with the output of a report.	Medium	Existing	Ongoing	Urban Forestry	

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ACTIO	DNS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S
S1.3	Develop and improve the urban forest prioritisation method as new data become available.	Update the matrix as new information becomes available such as Census, canopy or ecological data.	Medium	\$	Ongoing	Urban Forestry	
S1.4	Program annual planting in areas with highest priority.	Focus annual street and park planting, and replacement of underperforming trees, in locations of high priority.	Ongoing	\$	Ongoing	Urban Forestry	
S1.5	Identify vacant street tree sites and program infill plantings to be completed in the medium to long term.	Plant out the approximately 10,000 vacant street tree sites by 2027, in addition to replacement of approximately 2500 annual removals in that time.	Medium	\$\$\$	Project	Urban Forestry	
S1.6	Work with local indigenous plant nurseries or community nurseries to provide local provenance.	Obtain tree and plant stock from locally sourced seed. Engage nurseries to grow trees to advanced stage for street tree planting or bring in-house to Council.	Short	\$	Ongoing	Urban Forestry	Bushland

Case study: Frankston City Council's approach to getting the right tree in the right place

Frankston City Council (FCC) manages around 62,000 trees in streets, with many more trees located in parks. Canopy cover is not evenly distributed across the city's suburbs.

FCC has a substantial tree planting budget and has identified vacant sites for tree planting throughout the municipality. They developed a prioritisation process to strategically focus tree planting where it is most needed, in a way that benefits the community the most at the lowest cost.

Five prioritisation criteria were identified for their relevance to Frankston's low canopy cover precincts:

- · Current tree canopy cover
- Heat vulnerability
- · Pedestrian intensity
- Biodiversity
- Flooding

Each criterion was assigned a score. These were added to give an overall score for each section of road and open space managed by FCC. Areas were grouped into high, medium and low priority based on this overall score, and this informed a 10-year planting plan.

Banyule could use a similar method to identify its own priority areas for greening. Criteria may be similar to those used in FCC or differ to reflect the specific aims and objectives of Banyule's UFS as described in Prioritisation Matrix on page 35.

RELEVANT BANYULE KEY DIRECTION

Prioritise urban forest improvements in the most vulnerable suburbs and places across Banyule.

RELATED ACTIONS

- S1.1 Develop an agreed urban forest prioritisation method that is based on the Urban Forest Principles to identify areas in most need of planning and intervention.
- S1.2 Review the urban forest priorities every 3 years (using the prioritisation method) and include actions in asset management and annual operational plans.
- S1.3 Develop and improve the urban forest prioritisation method as new data become available.
- S1.4 Program annual planting in areas with highest vulnerability.
- S1.5 Identify vacant street tree sites and program infill plantings to be completed in the medium to long term.
- S2.1 Identify suitable sites in reserves, roadsides and underutilised land where mown. turf can be improved to include trees, shrubs, native grasses or groundcovers.



CASE STUDY

Strategic Area 2 - Increase the diversity of the urban forest for biodiversity and habitat with ground cover and shrub layer plantings

OVERVIEW

Banyule, like most other local government areas across Australia, has a low level of diversity in its urban forest in certain neighbourhood character areas.

This strategic area will see Council and the community continue the work to extend the urban forest beyond trees and introduce more diversity into the structure of the forest. If successful it will see a range of trees, shrubs and groundcovers/grasses across the Banyule local government area. It will also see an increase in partnership between Council and the community and enhance community biodiversity actions already activity occurring across Banyule.

Figure 26 shows the contributions to streetscapes that can be made by nature strip plantings.

As a managed system, selection of species to plant within the urban forest is influenced by many factors. To assist Council staff and the community, it will be important that the rationale for the selection of certain species for street trees is understood and communicated.

MAJOR ACTIONS

ACTIO	ONS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S2.1	Identify suitable sites in reserves, roadsides and underutilised land where mown turf can be improved to include trees, shrubs, native grasses or groundcovers.	Year 1, map suitable locations and develop a program for implementation.	Ongoing	\$	Project	Parks & Natural Environment	Open Space Planning & Design, Environment
S2.2	Establish and maintain new planting locations of shrubs, native grasses and groundcovers.	Year 2 would be a pilot program of a small number of sites. Funding sought in Year 3 to roll out to larger number of sites. Resource staff to establish and maintain planting locations.	Short	\$\$\$	Project	Parks & Natural Environment	Urban Forestry
S2.3	Encourage the co-management of new planting sites within the Urban Forest with the community.	Initial target groups will be community groups such as friends' groups or scouts.	Ongoing	\$	Ongoing	Urban Forestry	Communication

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ACTIO	ONS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S2.4	Develop the nature strip planting program, provide guidelines, and promotion of the benefits to residents.	Implement through a permit system and/or change to the local law to allow residents to plant nature strips where appropriate. Utility owners to be consulted in the process.	Medium	\$	Project	Open Space Design	Urban Forestry Municipal Laws & Public Assets Communication Waste
S2.5	Map the ecological corridors (wildlife connection and known fauna movements) to integrate with the urban forest data to identify opportunities for planting sites and habitat structures.	This will include spatial mapping based on fauna movement from an urban ecologist.	Short	\$\$	Project	Environment	Bushland/ Urban Forestry
S2.6	Provide recommended species lists for a fit-for- purpose urban forest i.e., the 'right-tree-right-place'. This will include species that are climate ready, suitable for the site and consider the benefit for urban ecology.	Develop an online, location-based list of appropriate species for public and private plantings including a set of suitable substitutes to overly-used or inappropriate species. For example, using deciduous tree for houses north facing in a streetscape.	Short	\$\$	Project	Urban Forestry	Open Space Planning & Design
S2.7	Provide training and information for Council staff on the urban forest – its definition, vision and principles and what it means for their work.	This will run in tandem with S1.2 'Staff training' specifically including the induction process.	Short	\$	Ongoing	Urban Forestry	

Strategic Area 3 – Manage the urban forest across public and private land for resilience to climate change

OVERVIEW

This strategic area will focus Council's efforts on active management of the urban forest to help the community adapt to a changing climate and help the urban forest increase its resilience so it can thrive. This will respond to the current areas of highest urban heat and exposure to the impacts of climate change and to public and private tree resilience by selecting the tree species that will not only survive but thrive in a changing climate.

MAJOR ACTIONS

ACTIO	ONS	FURTHER DETAIL	FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S
S3.1	Provide support for the protection and survival of listed significant trees on private lands; include tree owners and neighbours in the communication and engagement around significant trees.	Support may include access to a grant for arboricultural tree assessments and/or tree works. The amount of investment will be reviewed annually.	Ongoing	\$	Ongoing	Environment	Development Planning / Urban Forestry
\$3.2	Provide care and protection of listed significant trees on public land.	After an annual arboricultural inspection for each significant tree, care may include additional pruning, watering, mulching and understory planting or risk reduction by moving targets.	Ongoing	\$	Ongoing	Urban Forestry	Environment / Development Planning

ACTIO	ONS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S3.3	Work with private and non-council land holders to improve the urban forest on their land via placebased programs and development processes.	As an example, this may include schools, encumbered open space under transmission power lines and water easements.	Ongoing	\$	Ongoing	Urban Forestry	Environment / Development Planning
S3.4	Implement passive irrigation (WSUD) for public realm trees and make this business as usual for capital projects and new developments.	Run a trial of small scale WSUD systems that can be easily replicated, incorporate into standard kerb or footpath and street tree planting design as well as carparks to achieve canopy cover.	Ongoing	\$	Ongoing	Environmental Operations	Capital works / Urban Forestry
\$3.5	Provide the public with a recommended species lists for a fit-for-purpose urban forest i.e. the 'right-tree-right-place'. This will include species that are climate-ready, suitable for the site and consider the benefit for urban ecology.	The same species list as developed for S2.6, this action is to share and promote the recommended species list with the public. The place-based plans will be available online for residents to view which neighbourhood place/area they are in.	Short	\$	Project	Urban Forestry	
\$3.6	Review the recommended species lists annually or when new information comes to light and communicate to community and Council staff.	The list will be maintained in a live format that will enable easy updating as tree species and climate data becomes available.	Ongoing	\$	Ongoing	Urban Forestry	Development Planning (arborists)

Case study: Wyndham's significant trees

Many trees within Wyndham City Council (WCC) are important to the community and have significant scientific, social, historic and amenity attributes, yet they were not uniformly assessed or recorded.

WCC called on residents to nominate public and private trees for potential inclusion in the Wyndham Significant Tree Register, giving the following nomination guide:

- Trees are deemed significant based on the Natural Heritage Trust's criteria of scientific, social, historical and amenity values
- Property owners are contacted if a tree has been nominated on their land
- Every nominated tree receives an arboriculture and heritage assessment
- WCC identifies options to assist residents with managing trees that are included in the final Significant Tree Register
- Any tree can be nominated by any person

Residents use a spatial tool (below) to identify a potentially significant tree. Though it already has a significant tree register, Banyule may benefit from a spatial tool similar to that used in WCC.

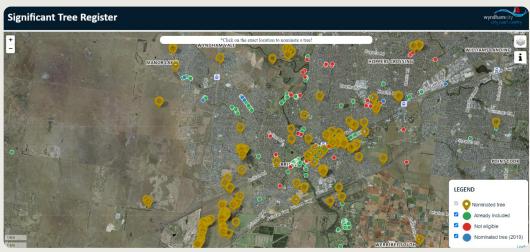
The spatial tool would allow residents to see the nomination status of trees across their area, and to draw attention to additional private and public trees which may be formally registered as significant.

RELEVANT BANYULE KEY DIRECTIONS

- Manage the urban forest across public and private land for resilience to climate change
- Build and maintain partnerships with others in the protection and management of the urban forest.

RELATED ACTIONS

 S3.1: Provide resources and support for the protection and survival of culturally significant trees on public and private lands, include tree owners and neighbours in the communication and engagement around significant trees.



WCC Spatial tool to assist with identification and tagging of Significant Trees

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CASE STUDY

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Strategic Area 4 – Take a long-term, asset management approach to the urban forest

OVERVIEW

Managing the urban forest as an essential asset for Banyule is outlined in A vision for Banyule's urban forest. The definition of an urban forest for Banyule clearly states that the urban forest is a green asset that is strategically planned, designed and managed. This brings urban forest elements into line with other public assets or grey infrastructure.

With this approach, there is a clear need for:

- · clear and accurate data
- an asset management plan that considers timing, resourcing and risk
- · resourcing to maintain and renew the urban forest
- monitoring and reporting for continuous improvement
- integration of greening assets with other asset management planning.

The focus of this strategic area is on establishing an asset management approach to the urban forest elements.

The business case for investing in formative pruning of young trees is compelling. Ryder & Moore⁵⁷ assessed the number of defects in a population of commonly planted trees in Melbourne, the time required to prune juvenile trees and time required to manage the defects in mature trees. Allowing for inflation, when the cost of pruning a 20-year-old tree is compared to the cost of two formative pruning cycles after three and six years, totalling less than \$10, there is a 13–18-fold increase.

Proactive controls for managing tree risk will adhere to Banyule's risk management framework and will inform the inspection time frames for trees depending on the location. This will determine that all trees will be inspected for risk in streets, parks, reserves, council facilities, bushland and along the path network with appropriate frequency depending on the risk profile for the area.





Strategic areas for the Banyule urban forest

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MAJOR ACTIONS

	STRAT	EGIC AREA 4 – TAKE A LONG-TERM, ASSET MANAG	SEMENT APPRO	DACH TO THE URBA	IN FOREST		
ACTIO	DNS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S4.1	Develop place-based plans to manage the urban forest, considering use, neighbourhood character, ridgelines and climate. Including: In-fill planting program, maintenance, street tree renewal.	The place-based plans will be available online for residents to view which place/area they are in.	Short	\$\$	Project	Urban Forestry	
\$4.2	Implement a tree valuation policy including amenity value and ecological value then link the urban forest amenity value to current asset management processes.	Tree amenity and ecological valuation methodologies are widely used by local governments around Melbourne. Revenue for trees that are removed for development would be expended through the Future Canopy fund (S6.3.3). Track the amenity and ecosystem service value of trees in the tree asset system, link the tree asset records to Council's central asset management system.	Short	\$	Project	Asset Management, Finance	Urban Forestry, Development Planning
S4.3	Adopt a canopy cover assessment method to measure canopy gains and losses annually.	Acquire canopy data and analyse the drivers for canopy losses and gains on public and private land.	Short	\$\$\$	Project -> Ongoing	Urban Forestry	Development Planning
\$4.4	Develop a comprehensive urban forest database to allow the analysis of effort and outcome of the urban forest strategy and asset management programs.	Essential systems upgrade to allow for the core delivery of the Urban Forest Strategy including tree planting program.	Short	\$\$\$	Project -> Ongoing	Urban Forestry	ΙΤ

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ACTIO	ons	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S4.5	Develop a comprehensive urban forest interactive mapping portal that includes information on street, facility and park trees as well as urban forest understorey plantings.	Essential system upgrade to enable management of the existing tree population, design future plantings and collect tree risk data. Facility trees surround Council-owned buildings such as kindergartens, halls and community centres. Inclusions for external engagement item such as ward newsletters, Banyule Banner as well as digital platforms.	Medium	\$\$	Project	Urban Forestry	Urban Forestry
S4.6	Develop reporting to include urban forest distribution, tree health, species and structural diversity, risk, maintenance.	Resilience and benefits provided by trees such as shade and cooling are linked to the health, complexity and diversity of the urban forest. Structural diversity will be increased with the focus on shrubs and non-tree vegetation.	Medium	\$	Project -> Ongoing	Urban Forestry	IΤ
S4.7	Develop an "Our Trees" web- based tool using collected data for residents to engage with the urban forest.	A public facing web-based tool that is accessible from mobile devices to allow for finding significant trees, generation of requests and has potential for citizen science.	Medium	\$\$	Project	Urban Forestry	Customer Service / IT
\$4.8	Prepare a communication plan and program that includes reporting to share information with internal and external audiences.	Inclusions for external engagement item such as ward newsletters and Banyule Banner as well as digital platforms.	Short	\$	Project	Communications	Urban Forestry

	STRAT	EGIC AREA 4 – TAKE A LONG-TERM, ASSET MANA	GEMENT APPRO	DACH TO THE URBA	IN FOREST		
ACTIO	NS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S
S4.9	Build relationships with key research partners to investigate the benefits of 'smart planting' programs for street trees and quantify the benefits of the urban forest including carbon sequestration.	Opportunity for universities to have Masters or PhD students work on several projects. This may also include Water Sensitive Urban Design (WSUD) and new tree trials.	Medium	\$	Ongoing	Urban Forestry	
S4.10	Develop Tree Risk Management Framework	An asset, risk and customer-focused framework to tree management that includes a documented method for the controls for tree risk. Framework will include a proactive inspection regime in streets, facilities and open space for all trees Banyule is responsible for and that is consistent with Banyule's risk management framework and risk appetite.	Short	\$\$	Project	Urban Forestry	Risk, Development Planning
		Clear and transparent process, procedure and application for managing tree removal and tree planting customer workflows from requests to completion or complaints and disputes that recognises risk profiles for person and property.					Ü

	STRAI	STRATEGIC AREA 4 – TAKE A LONG-TERM, ASSET MANAGEMENT APPROACH TO THE URBAN FOREST									
ACTIO	NS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)				
S4.11	Continue to build on community engagement programs and educate the public about the importance of individual tree retention/removal decisions on the urban forest.	Transparent data should be available for residents when trees must be removed, e.g., due to risk.	Short	\$	Ongoing	Environment / Planning	Urban Forestry / Comms				
\$4.12	Create a process for repurposing tree material with a hierarchy for reuse to contribute to the circular economy and waste diversion.	Repurposing of material from removed council trees for habitat, art, outdoor furniture, playgrounds and use in new buildings	Medium	\$	Ongoing	Urban Forestry	Open Space Planning				



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Road

Typologies of Garden Surburb street with wide naturestrips

Example street: Porter Road, Heidelberg Heights

1.5m

OPPORTUNITIES FOR URBAN FOREST IN BANYULE'S STREETS

The following figures demonstrate the opportunities to enhance the urban forest within the streets of Banyule. These streets have been chosen as they represent some typical street typologies found across Banyule. They are used here as a demonstration only.

Each set of figures shows the current street (taken from Google Maps) and the possible urban forest improvements that could be accommodated:

- Figure 29 shows a street with a wide nature strip
- **Figure 30** shows a street with a wide landscaped median strip
- Figure 31 shows a street with a narrow nature strip

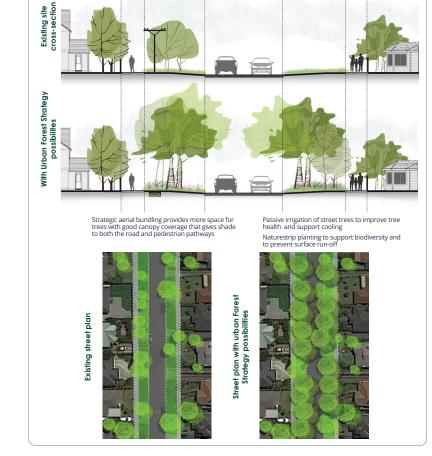


Figure 29. Urban forest possibilities in a street with a wide nature strip

Strategic areas for the Banyule urban forest

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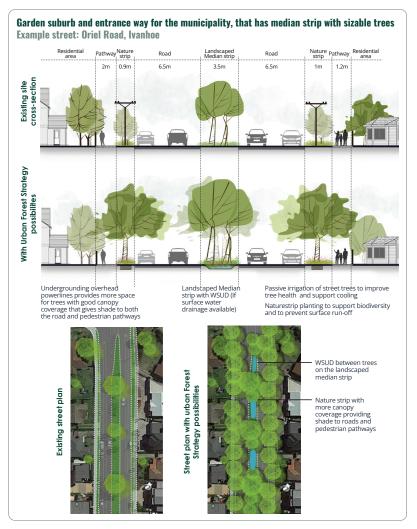


Figure 30. Urban forest possibilities for a street with a wide landscaped median

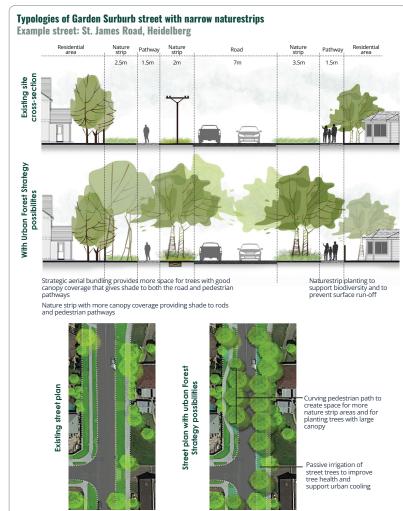


Figure 31. Urban forest possibilities on a street with a narrow nature strip



Case study: City of Melbourne's tree valuation, retention and protection

A critical component of urban forest management is the protection and retention of existing trees. The City of Melbourne (CoM) developed an approach to the management of the important public tree assets using a valuation formula.

Assigning a value to the trees allowed CoM to recover compensation for the community for trees that were damaged or where trees are required to be removed for development. Developers can make an informed decision about design when the cost of the tree removal is quantified.

TREE VALUE CALCULATION

A Tree Amenity Value Formula Calculating a Tree's Amenity Value (2006) informs CoM's Tree Retention and Removal Policy (2012). This is a calculation of the value of the public tree to be paid by the property owner prior to removal.

Value calculation criteria include:

- 1. Removal costs
- 2. Amenity value calculated using CoM's Amenity Formula.
- Ecological services value calculated using i-Tree valuation tool
- 4. Reinstatement costs the greening required to replace the loss to the landscape

AMENITY VALUE COMPENSATION FUND

The compensation paid through the removal of public trees operates as a dedicated fund for CoM to invest in replacing vegetation in the community. This fund is designed to increase greening in the private realm, including rooftop urban farms, green walls and greening of private laneways.

Banyule's ability to protect, retain and gain compensation would be greatly enabled through development of policy and a valuation methodology.



RELEVANT BANYULE STRATEGIC AREAS

- Prioritise urban forest improvements in the most vulnerable suburbs and places across Banyule
- Take a long-term, asset management approach to the urban forest
- Integrate the urban forest principles into all parts of Council services.

RELATED ACTIONS

 S4.2: Implement a tree valuation policy, including amenity value and ecological value, then link the urban forest amenity value to current asset management processes.

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CASE STUDY

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Case study: Technologies for measuring canopy

Understanding the current extent and characteristics of the urban forest, including private land, across the entire municipality is an important input for urban vegetation management.

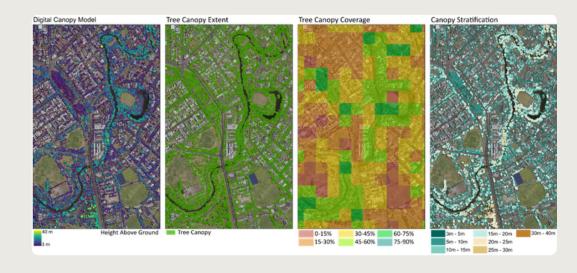
With the increased focus from governments and the community on climate change and adaptation, urban canopy has become a valuable indicator of liveability and adaptation to increasing urban heat. Methods of canopy data collection differ in their degree of accuracy, feasibility and ease of use.

Technologies:

Multi and hyper spectral imagery captures image data from a fixed wing plane. Analysis of data is done with a combination of Al deep learning and human assessment. High accuracy, high cost, moderate usage ease.

Al deep learning uses algorithms to undertake image recognition that can identify and track features of interest from aerial surveys, including canopies and vegetation. *Medium-high accuracy, moderate cost, moderate usage ease.*

I-Tree canopy is a free-use software canopy measurement tool that randomly lays points onto Google Earth imagery to measure canopies and vegetation. *Low accuracy, low cost, moderate usage ease.*



LiDAR + 3D photogrammetry involves using airborne measurements of earth's surface to accurately measure the landscape in three dimensions. *High accuracy, high cost, moderate usage ease.*

RELEVANT BANYULE STRATEGIC AREAS

- Prioritise urban forest improvements in the most vulnerable suburbs and places across Banyule
- Take a long-term, asset management approach to the urban forest.

RELATED ACTIONS

 S4.3: Adopt a canopy cover assessment method to measure canopy gains and losses annually.

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CASE STUDY

63

Case study: Tree Cities of the World



"The Tree Cities of the World programme is an international effort to recognise cities and towns committed to ensuring that their urban forests and trees are properly maintained, sustainably managed, and duly celebrated."

Becoming a Tree City of the World can aid in building local, national and global recognition of a city's dedication to its healthy and sustainable urban forestry.

For a city to become a Tree City of the World, it must meet five standards:

- Establish responsibility for this standard to be met, the city must have clear, written delegation of tree care to a single person, department and/ or community, which forms the 'Tree Board'.
- Set the rules Tree management and protection is governed by law or through official council policy. The rules may be shaped by industry best practice, and there are penalties for noncompliance.

- Know what you have The city has an up-todate inventory of its trees, and this guides the long-term 'planting, care, and removal of city trees'.
- Allocate the resources There is an annual budget which is dedicated to the city's tree management plan.
- Celebrate achievements There is an annual celebration of trees within the city, which raises the profile of the tree management plan for the city and showcases the staff and community members who are involved.

A number of Australian cities are currently recognised as Tree Cities of the World and most of these are in South Australia. No cities in Victoria have Tree City of the World status yet. Cities can apply for Tree City of the World status through www.treecitiesoftheworld.org

RELATED ACTIONS

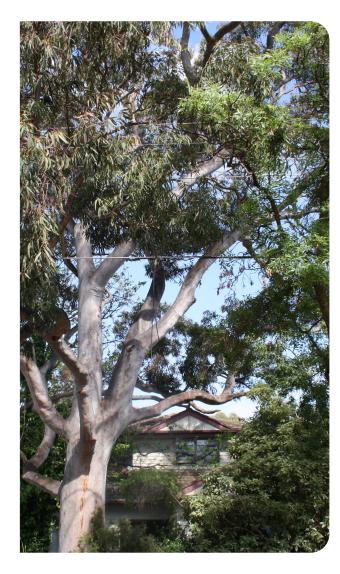
 S5.7: Celebrate trees and the urban forest through becoming a recognised Tree Cities of the World – apply for recognition in July 2024.



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CASE STUDY





Strategic Area 5 – Build and maintain partnerships with others in the protection and management of the urban forest

OVERVIEW

This strategic area is focused on developing a strong network of urban forest 'actors' or 'champions' who can work collectively or individually to enhance and protect the urban forest across Banyule. It is focused on supporting existing community programs and delivering urban forest outcomes through them.

Most of the research around best practice urban forestry highlights the need for the community to play a significant role. Communities need to be part of the discourse and the decisions if we are to enable the significant change required to urban planning and management along with the social change needed to bring about a healthy urban forest.

Fundamentally, community engagement can be broad. In best practice urban forestry, the best form of engagement is where Council staff proactively seek out community. The values, concerns and aspirations of the community are heard while expert information about the problem is shared. In this way, an ongoing partnership with the community is established and decision-making is well understood.

Research into the attitudes, values and behaviours of residents around trees shows that:

- more people value both the personal and community benefits from trees on their properties
- there is a need to address landowners' concerns about property damage
- interpersonal communication is the most preferred way to learn about urban trees
- personal networks are invaluable in sharing information about tree care
- women may play a crucial role in fostering urban forests
- almost all parents believe it is important for their children to spend time in nature
- millennials own fewer trees but are more likely to volunteer for trees
- Baby boomers have more concerns related to existing trees
- reaching new audiences requires focusing on landowners with lower education and income levels.

Proactive approaches to community engagement include public participation campaigns (before and during the development of plans) and comanagement partnerships. Volunteer involvement in citizen science programs is a positive shift from traditional approaches, with many potential benefits⁵⁸.

Although mostly focused on community involvement, developers can play a significant role in enhancing the urban forest through the actions of this strategic area.

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MAJOR ACTIONS

STRATEGIC AREA 5 – BUILD AND MAINTAIN PARTNERSHIPS WITH OTHERS IN THE PROTECTION AND MANAGEMENT OF THE URBAN FOREST

ACTIO	ONS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S5.1	Ensure advisory committees are engaged and informed throughout implementation of the Urban Forest Strategy.	Advisory committees such as The Banyule Environment and Climate Action Advisory Committee (BECAAC) will be updated on the progress and timing of actions being implemented and when new data on the success of the Strategy is available.	Ongoing	Existing	Ongoing	Environment	Urban Forestry
S5.2	Engage with community through a range of educational activities to build understanding and value of the urban forest.	Ensure events inform the community about urban forestry including information packs for new residents.	Ongoing	\$	Ongoing	Environment	Urban Forestry
S5.3	Incorporate citizen science projects and data into Banyule's annual monitoring programs.	Greater use will be made of data sourced from citizen science initiatives to report on biodiversity in Banyule and aid our annual monitoring programme. Sources such as Birdlife Australia, frog ID and iNaturalist.	Ongoing	\$	Ongoing	Environment	Urban Forestry
S5.4	Engage with Wurundjeri Narrap team on the implementation of this strategy.	The Wurundjeri Narrap team is an established Natural Resource Management team of the Wurundjeri Council.	Ongoing	Existing		Bushland	

STRATEGIC AREA 5 - BUILD AND MAINTAIN PARTNERSHIPS WITH OTHERS IN THE PROTECTION AND MANAGEMENT OF THE URBAN FOREST

ACTIO	DNS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S5.5	Engage specific community groups and traders in the design and delivery of particular urban forest projects, especially in priority areas.	These areas may be near encumbered open space or near sensitive biodiversity reserves. An example is the Heidelberg West Business Precinct which is within a priority area.	Short	Existing	Ongoing	Urban Forestry	Economic Development, Strategic Planning & Urban Design
S5.6	Celebrate the neighbourhood character trees for each area.	Specific trees (including on significant register) and avenues are vital to recognise so that we can continue to have strong neighbourhood character in specific areas.	Medium	\$\$	Project	Urban Forestry	Urban Forestry
S5.7	Celebrate trees and the urban forest through becoming a recognised Tree Cities of the World – apply for recognition in July 2024.	The Tree Cities of the World Program is an international effort to recognise cities and towns committed to ensuring that their urban forests and trees are properly maintained, sustainably managed and duly celebrated. Currently 7 cities in Australia are recognised and none from Victoria.	Short	Existing	Project	Urban Forestry	Urban Forestry
\$5.8	Implement a program to make available a free tree to all residents, clubs and businesses in Banyule.	To increase vegetation on private land, this program will be promoted through Council's channels offering a free tree to all residents who request one. The program will be supporting the planting of trees on private land and influencing the diversity and climate suitability of trees that are planted. The trees will be monitored and engage with citizen science.	Short	\$	Project	Urban Forestry	Environment

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Case study: Sutherland Shire's community consultation

Sutherland Shire Council (SSC) aims for no net canopy loss from a 2014 canopy cover baseline. However, competition for public space by urban programs and infrastructure projects (e.g., footpaths, electrical works, open space conflicts) was a key process affecting canopy cover.

To address this competition, SSC had been on a seven-year community journey garnering support for its trees. To build strong community support, SSC developed a communication plan, including regular milestones and key messages targeted to SCC precincts, and a means of collecting public feedback through an interactive mapping tool.

The Community Consultation Interactive Map is a crucial tool for SSC's community engagement process. The Interactive Map (below) displays proposed trees around SSC, across the neighbourhood. Each proposed tree has an icon on the Interactive Map which expands to show images of the species, its species characteristics and tree growth.

Using the tool, residents can submit an enquiry about trees on their frontage, requesting a call to discuss species, position, the program and any concerns. In this way SCC have increased awareness and appreciation for the street trees.

Banyule could build the profile of its trees and other vegetation and use targeted communication to inform and involve the broader Banyule community with urban canopy.



RELEVANT BANYULE STRATEGIC AREAS

- Build and maintain partnerships with others in the protection and management of the urban forest
- Manage the urban forest across public and private land for resilience to climate change.

RELATED ACTIONS

- S5.5: Engage specific community groups and traders in the design and delivery of particular urban forest projects, especially in priority areas.
- S4.7: Develop an "Our Trees" web-based tool using collected data for residents to engage with the urban forest.



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Strategic Area 6 - Integrate the urban forest principles into all parts of Council services

OVERVIEW

For this Strategy to be successful it is critical that all parts of Council take a role. This strategic area focusses on the Council activities needed to embed the urban forest principles into the organisation, its culture, policies and practices.

The fundamental capacity for local governments to keep pace with society and community demands is of great importance in this area. Research tells us that local government must support staff and communities to match the rapid societal change needed to respond to current urban pressures.

Solutions to better practice revolve around improvements to the way the urban forest is managed, which requires:

- integration of the physical elements of urban tree planting and vegetation with biodiversity, climate, heat, water, social and cultural benefits
- use and collection of appropriate information and knowledge
- adequate resourcing planning, design and delivery, policies and procedures that respond to the Urban Forest Vision
- maintenance, evaluation and continuous improvement.⁵⁹

MAJOR ACTIONS

	STRATEGIC AREA 6 – INTEGRATE THE URBAN FOREST PRINCIPLES INTO ALL PARTS OF COUNCIL SERVICES						
ACTIO	ONS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S6.1	Integrate the Banyule urban forest principles into the operational plans for all teams across Council.	Integral to the Strategy being a living powerful document, we need Council to work as a holistic team for implementation. E.g. understand the physical and mental benefits that the urban forest provides for residents.	Ongoing	Existing	Ongoing	Urban Forestry	All
S6.2	Advocate with Victorian Government agencies and public authorities about the Banyule Urban Forest Strategy and seek support for the vision and actions.	For example this may include ensuring funding, protecting or planting vegetation on land not controlled by Council.	Ongoing	Existing	Ongoing	Strategic Planning & Urban Design	Urban Forestry, Transport, Development Planning

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ACTIO	ONS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S6.3	Work with Council's capital works and public realm design teams (parks, streets, town centres) to program design work a year ahead of implementation to allow for value add, resourcing.	Many projects are already passed design stage for FY22-23 and FY23-24, and this will be reflected with limited influence until FY24-25.	Ongoing	Existing	Ongoing	Capital Works	Assets, Operations, Urban Forestry
S6.4	Integrate urban forest principles and action into public domain design and delivery and make space for trees and vegetation in the design through a Blue-Green Working Group/Design Review Panel.	Design capital projects that will include successful tree canopy through passive and supplementary irrigation and providing adequate root volumes. Multidisciplinary team during the design stage to achieve urban forestry outcomes. An allocation of resources for maintaining vegetation planted as part of capital projects is vital for high quality ongoing outcomes.	Ongoing	Existing	Ongoing	Capital Works	Assets, Operations, Urban Forestry
S6.5	Create a future fund for canopy and greening enhancement to capital projects.	The fund should have \$250k for expenditure on capital projects to achieve 30% canopy cover where possible, and greening outcomes to improve human comfort when 30% canopy is not achievable. To be funded through budget allocation and revenue collected as amenity value for trees that are removed for external and internal projects.	Medium	\$\$\$	Project	Capital Works	Urban Forestry

	STRATEG	IC AREA 6 – INTEGRATE THE URBAN FOREST PRINC	CIPLES INTO AL	L PARTS OF COUNC	IL SERVICES	STRATEGIC AREA 6 – INTEGRATE THE URBAN FOREST PRINCIPLES INTO ALL PARTS OF COUNCIL SERVICES						
ACTIO	DNS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)					
S6.6	Develop guidelines and training for streetscape and playground vegetation design and maintenance.	This will include technical planting specifications, passive irrigation and WSUD (Water Sensitive Urban Design). Also, a recognition that funding requirements may change if increased sweeping of leaves is required.	Short	Existing	Ongoing	Strategic Planning & Urban Design	Urban Forestry, Open Space Planning & Urban Design					
S6.7	Progress the review of policies and plans that relate to tree protection and management, including planning scheme controls, neighbourhood character, housing and heritage strategies.	This includes tree protection during development and other stages to ensure no gaps in protection.	Short	Existing	Project	Strategic Planning & Urban Design	Development Planning					
S6.8	Share data and analysis of canopy/ tree losses in the private domain and focus responses on priority causes.	Using the canopy data acquired in S4.3, the results will be shared with the public to promote drivers for change. Areas with losses will be targeted with information on how to make positive changes such as encouraging the take-up of Council tree give-away program (S5.8).	Medium	Existing	Project	Development Planning						
\$6.9	Regularly review and update approach to enforcement in response to trends in urban forest actions.	Currently audits take place, but numbers are conditioned and recorded. We require a target to measure success.	Medium	Existing	Ongoing	Development Planning	Municipal Laws & Public Assets					

ACTIO	ons .	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
\$6.12	Trial small scale passive irrigation to benefit tree growth with a long-term goal to move toward a new standard.	Small scale Water Sensitive Urban Design (WSUD) includes diverting of stormwater to a well below the nature strip that is close to new or existing street trees. To be assessed using smart technologies to determine whether it is appropriate to make a component of standard kerb and channel or footpath design in Banyule.	Short	\$\$	Project	Environmental Operations	Urban Forestry
S6.13	Make space for large trees in urban places and plan for trees to maximise the use of the available space for tree canopy.	If space allows, a canopy tree should be planted as many locations are under pressure from development and urbanisation.	Ongoing	Existing	Ongoing	Urban Forestry	
S6.14	Improve data and knowledge about the species that contribute to neighbourhood character. To assist in planning for tree replacement in private and public spaces.	This will be part of the digital information available to residents to allow resident to make informed decisions on private vegetation.					
		Enabling residents to use digital tools and references developed by Council to guide their decisions about tree selection and planting on private land.	Short	Existing	Project	Urban Forestry	
		Supporting officers to use evidence- based species selection for tree planning and planting in the public realm					

	STRATEGIC AREA 6 – INTEGRATE THE URBAN FOREST PRINCIPLES INTO ALL PARTS OF COUNCIL SERVICES						
ACTIO	NS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S6.15	Integrate urban forest principles and outcomes into initiatives, programs and strategies as they are developed and reviewed.	As strategies and initiatives are developed or reviewed, the principles of the Urban Forest Strategy will be incorporated to ensure all parts of Council are working towards the community's Urban Forest Vision.	Ongoing	Existing	Ongoing	All	
S6.16	Prioritise opportunities to deliver on urban forest objectives through amendments to the Banyule Planning Scheme. Investigate urban forest opportunities while considering current zones and overlays e.g., Environmental planning overlay.	Urban forest principles should be considered with strategic planning work.	Short	\$	Project	Strategic Planning & Urban Design	
S6.17	Masterplan of avenues and gateways for urban forest.	Key avenues and gateway roads will have vegetation masterplans developed to ensure the long-term character is maintained and enhanced.	Short	\$\$	Project	City Futures	Urban Forestry
S6.18	Use the latest vegetation information and recommended planting lists when providing guidance on vegetation selection for landscape plans and permit conditions.	Recommended species lists to guide landscape plans and tree replacement conditions will be through a living document.	Short	Existing	Project	Development Planning	

ACTIO	NS	FURTHER DETAIL	TIME FRAME	INVESTMENT	PROJECT OR ONGOING	LEAD TEAM (S)	ADDITIONAL TEAMS (S)
S6.19	Undertake analysis to determine reasons for tree loss in the private realm and any related outcomes that affect the extent, health and diversity of the urban forest.	Accurate and ongoing mapping of the urban forest is required to aid in these investigations and is a foundation prerequisite action for several other outcomes and is critical for the success of the Urban Forest Strategy and other cross-organisational strategic goals.	Medium	\$\$	Project	Strategic Planning & Urban Design/ Urban Forestry/ Development Planning	
S6.20	Update the Banyule Tree Planting Zone Guidelines (2011) to best practice and to support the Urban Forest Strategy. Include guidelines as a Background Document in the Banyule Planning Scheme.	Terminology such as drip lines requires modernisation and alignment with Australian standards.	Short	\$	Project	Development Planning/ Strategic Planning & Urban Design	Urban Forestry
S6.21	Continue to use General Local Law No. 1 (2015) to recognise and protect street trees as a Council asset.	Local law will be the on-ground protection of public trees.	Ongoing	Existing	Ongoing	Municipal Laws & Public Assets/ Development Planning	Urban Forestry, Development Planning





Case study: Stonnington City Council - tree protection through tree bonds

The cumulative effect of individual developers and property owners felling or damaging trees with or without permission can result in significant loss of mature trees and canopy. Penalties, monitoring and enforcement by tree protection bylaws have not kept pace with the pressures of urban change and the scale of canopy loss that is being experienced in cities.

Stonnington City Council (SCC) has introduced a *Tree Bond* – a general local law that protects significant trees on private land. A tree bond requires the land developer to deposit a money guarantee protection for significant trees before starting development.

The tree bond is only returned if the developer has adequately protected existing trees. If the tree or trees are removed or damaged, the bond is lost. To date, SCC only applies tree bonds to private urban land.

A key advantage of a tree bond for councils is the placement of the 'onus of proof' on private developers rather than on the council itself.

Banyule might work to introduce similar protections for trees on private land. Like SCC, Banyule might choose to apply this protection to trees defined as 'significant' or go further and apply the bond to other kinds of vegetation as well.

RELEVANT BANYULE STRATEGIC AREAS

Integrate the urban forest principles into all parts of Council service

RELATED ACTIONS

- S6.7: Progress the review of policies and plans that relate to tree protection and management, including planning scheme controls, neighbourhood character, housing and heritage strategies.
- S6.9 Regularly review and update approach to enforcement in response to trends in Urban Forest actions.

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CASE STUDY

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Case study: Passive irrigation for street trees

Melton City Council (MCC) anticipated growing their street tree population by 130,000 new trees, predominantly within residential streets. As part of their Integrated Water Management (IWM) Plan, MCC aimed for as many of these new trees as possible to include water sensitive urban design (WSUD) and be planted with passive irrigation from stormwater. They were the first council in Australia to require this.

Passive street tree designs aimed to:

- Use stormwater particularly during tree establishment
- Improve tree establishment, growth and health
- Improve amenity through improved tree health
- Drought-proof trees
- Reduce infrastructure damage from trees chasing water.

MCC invested substantially in early research and planning into passive irrigation, and this contributed to its widespread uptake within new estates. Since implementation, watering costs have significantly reduced, and passive irrigation may become a requirement of developer planning permits.

IWM Plan Objectives Reduced reliance **Healthy waterways** 3. Valued landscapes on potable water and wetlands that are connected and accessible Maximise connections **Outcomes** Effective and efficient **Ecological** and habitat between the communuity, waterways use of all water sources values within the City across Council assets of Melton's waterways and open spaces improve over time Reduced urban heat island effect across the City of Melton Increase use of Stormwater drainage non-potable water and WSUD assets are sources resilient and effective An informed and water-wise community

Banyule might aim to include passive irrigation as a feature in as many new street tree plantings as possible and integrate it as a design requirement in new and retrofitted developments.

RELEVANT BANYULE STRATEGIC AREAS

- Strategic area 3: Manage the urban forest across public and private land for resilience to climate change
- Strategic area 6: Integrate urban forest principles into all parts of Council services.

RELATED ACTIONS

- Implement passive irrigation (WSUD) for public realm trees and make this business as usual for capital projects and new developments
- Integrate urban forest principles and action into public domain design and delivers and make space for trees and vegetation in the design though a Blue-Green Working Group – Design Review Panel
- Consider a 5% allocation from every capital project towards urban forest outcomes

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CASE STUDY

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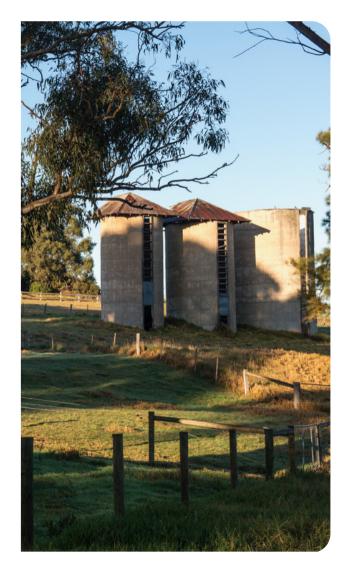
Glossary of terms

TERM	WHAT IT MEANS
Canopy	The uppermost branches of the trees in a forest, forming a more or less continuous layer of foliage.
Urban forest	Banyule's urban forest is the trees and greevn assets (such as vines and climbers, shrubs, groundcovers and grasses) that exist in an urban area and are strategically planned, designed and managed. The urban forest also includes the ecosystems, soils and water that support our trees and green assets
Urban forest vulnerability	The areas of Banyule where there is a risk of the urban forest not thriving or demonstrating resilience. Areas with low canopy, aging street trees, increased urban development, negative community health outcomes, or the urban forest exhibits stress and disease.
Social vulnerability	Social vulnerability is a widely recognised way of assessing the sensitivity of a population to natural hazards and its ability to respond to and recover from them ⁶⁰ .
Useful life expectancy (ULE)	The length of time that a tree is expected to remain healthy and provide ecosystem services within its environment before it begins to decline. This length of time can vary between trees and between species as it depends on tree health, condition, safety and location. Note: where possible, trees with hollows should be seen as potentially valuable for habitat depending on the suitability of their structure or location.
Resilience	The ability of the urban forest to adapt, survive and thrive in a changing climate.
Water sensitive urban design (WSUD)	The approach to planning and designing urban areas and buildings that considers how to make use of the valuable resource of stormwater, make places cooler and reduce harm to waterways, rivers and creeks.



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Glossary of terms



TERM	WHAT IT MEANS
Urban infill ⁶¹	Redevelopment within established urban areas, typically using previously undeveloped or underutilised land (grey field) or redeploying previously developed land (brown field).
Ecosystem services	The benefits people derive from ecosystems (such as clean air, clean water, shade, cooling, stormwater filtration, pollination etc) – the support of sustainable human wellbeing that ecosystems provide ^{62,63} .
Socio- Economic Indexes for Areas (SEIFA)	A product developed by the Australian Bureau of Statistics that ranks areas in Australia according to relative socio-economic advantage and disadvantage based on people's access to material and social resources, and their ability to participate in society.
Climate change ⁶⁴	Changes to the Earth's climate caused by human activity including burning fossil fuels (coal, gas, petrol and diesel) and clearing vegetation. Impacts include a global temperature increase as well as local droughts, floods, extreme hot and cold spells, and more intense rainfall.
Green infrastructure	The green spaces and water systems that intersperse, connect and provide life support for humans and other species in urban environments. Green infrastructure ranges in scale from residential gardens to local parks and housing estates, streetscapes and highway verges, services and communications corridors, waterways and regional recreation areas. Green infrastructure has many benefits for society and the environment. ⁶⁵
Grey infrastructure	Human-built physical structures and systems, such as buildings, water and electrical supply, sewers, stormwater drains, dams, reservoirs, fences, paths, roads and bridges. ⁹
Habitat structures	In an urban environment, these can be nesting boxes, created hollows or suitably placed logs.
Facility tree	A tree located in a Council property such as a library or located in a leased property such as a sporting facility or kindergarten.

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Glossary of terms

Reference list

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