

Agenda of Ordinary Meeting of Council - Monday, 4 August 2025

commencing at: 7.00pm

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

Acknowledgement of the Traditional Custodians

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

Diversity Statement

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

Apologies and Leave of Absence

Confirmation of Minutes

Ordinary Meeting of Council held 14 July 2025

Disclosure of Interests

1. Urgent Business

2. Petitions

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Reports

3. Our Trusted and Responsive Leadership

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4. Our Inclusive, Healthy and Connected Community

Nil

5. Our Sustainable Environment

Nil

6. Our Well-Built City

- 6.1 Extension to dwelling in heritage overlay and removal of protected vegetation at 100 The Eyrie, Eaglemont (P842/2022) 51
- 6.2 Bell Street Mall Draft Masterplan and Design Guide..... 66
- 6.3 Broadford Crescent and Highview Crescent Court Bowls - Proposed Road Discontinuance, Sale, and Acquisition of Land - Final Determination..... 70

7. Our Valued Community Assets and Facilities

Nil

8. Our Thriving Local Economy

Nil

9. Notices of Motion

Nil

10. General Business

Public Question Time

Closure of Meeting to the Public

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

Matters Discussed in Camera

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

Closure of Meeting

Live Streaming of Council Meeting

Please note that the Council Meeting will be livestreamed which will be available on Council's Facebook page, YouTube account, and website www.banyule.vic.gov.au

The next Ordinary Meeting of Council will be held on Monday 1 September 2025

2.1 PETITION - COUNCIL TO REINSTATE MAYONA ROAD TO EASE CONGESTION

Author: Amy Woolcombe - Council Business Officer, Executive Office

Ward: Sherbourne

SUMMARY

1. A petition with 122 signatures has been received by Council.
2. Of the 122 signatures, 84 were from Banyule suburbs and 38 were suburbs outside of Banyule.
3. A breakdown of the signatories is summarised in the below tables.

Banyule Suburbs	Signatures
Briar Hill	16
Greensborough	15
Macleod	1
Montmorency	33
St Helena	3
Viewbank	1
Watsonia	3
Lower Plenty	10
Yallambie	2
Total	84

Suburbs outside Banyule	Signatures
Balwyn North	1
Diamond Creek	4
Doncaster	1
Doreen	2

PETITION - COUNCIL TO REINSTATE MAYONA ROAD TO EASE CONGESTION cont'd

Suburbs outside Banyule	Signatures
Eltham	14
Eltham North	7
Grahamvale	2
Kangaroo Ground	1
Mernda	2
North Warrandyte	3
Pyalong	1
Total	38
Overall Total	122

RECOMMENDATION

That Council:

- 1. Table and receive the Petition.**
- 2. Refer the Petition to the Traffic and Transport Department in the City Development Directorate for consideration and response.**
- 3. Advise the primary petitioner of this Resolution.**

PETITION DETAILS

We, the undersigned, petition or request Council to:

We, the undersigned, urge the Banyule Council to action the following matter and prioritise the safety and wellbeing of children and community.

We propose Mayona Road to be opened to traffic to help distribute vehicle flow more evenly and reduce congestion. The current traffic situation is causing significant disruptions, safety hazards, and delays for students, parents, school staff and local residents.

This change would significantly improve safety, accessibility, and efficiency for everyone in the community, including traffic flow on Mountain View Road.

We request that the council conduct an urgent traffic study and implement necessary infrastructure changes to facilitate the improvement i.e. the removal of the planation in Mayona Road to open up the road to two-way traffic.

Apart from adding to student safety and assisting with vehicle movement, the school uses buses/coaches to transport students to/from events, excursions and school camps. The new standard for these coaches is now 61

PETITION - COUNCIL TO REINSTATE MAYONA ROAD TO EASE CONGESTION cont'd

seats making them 2 additional metres longer than former coaches. This makes a three-point turn into Luisa Court almost impossible when vehicles are parked in Mayona Rd and Luisa Court. Removal of the plantation in Mayona Road would assist coaches and other heavy vehicles to access the school more safely.

St Francis Xavier School is moving through a growth phase at present with student numbers expected to exceed 400 in 2026. It is anticipated that this will further grow in 2027 and future years as families seek quality schooling in the area.

BACKGROUND

- Mayona Road (east of Mountain View Road) and Woodland Grove are local roads in Montmorency currently separated by a small, purpose-built road closure. Woodland Grove provides residential access to the wider road network, while Mayona Road services residential properties and St Francis Xavier Primary School.
- Mayona Road (east of Mountain View Road) is approximately 400 metres long, with a typical width of 6.5 metres, narrowing to 3 metres at its most constrained point. Woodland Grove is approximately 310 metres long and maintains a consistent width of approximately 6.9 metres. **Figure 1** shows the locality map.

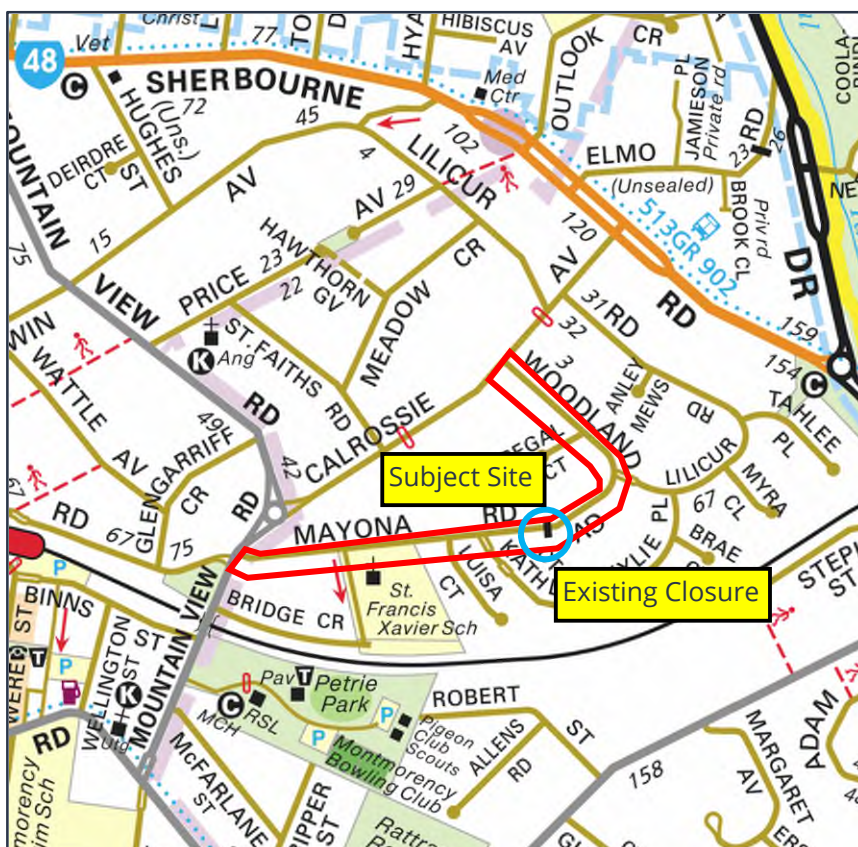


Figure 1: Locality Map

- According to Council records, the closure between Mayona Road and Woodland Grove has been in place since 1975 and was implemented following a formal Council decision.

PETITION - COUNCIL TO REINSTATE MAYONA ROAD TO EASE CONGESTION cont'd

Petition Summary

- The petition received has been largely supported by visitors to the immediate area, with minimal signatures obtained from local residents who would be directly impacted by the proposed change.
- The petition identifies congestion issues around school pick-up and drop-off times and notes that the school is expected to increase the number of students in the future, which is likely to exacerbate current traffic pressures. The school has not indicated any plans to accommodate this increased traffic within its own site.

DISCUSSION

- Reopening the road would require a multi-stage process, including formal notification, community consultation, and ultimately a Council resolution to change the original 1975 decision that established the closure.
- If the proposal were to proceed and the existing road widths maintained, the estimated cost of the required works would be in the order of \$80,000.

Safe Access Audits to School Program

- As part of Council's ongoing Safe School Access Program, St Francis Xavier Primary School is currently being assessed by external Traffic and Transport Engineering Consultants. The purpose of the assessment is to identify practical options to improve traffic conditions and enhance pedestrian safety in the surrounding area.
- A preliminary concept plan was developed in consultation with the school to explore potential short-term improvements along Mayona Road and Mountain View Road. This plan has been shared with the consultants to inform their observations and analysis.
- The outcomes and recommendations of the consultant's review are expected later this year. These findings will provide Council with valuable insight into potential measures to address traffic concerns, which may inform the assessment of the petition request.

OFFICER DECLARATION OF CONFLICT OF INTEREST

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

ATTACHMENTS

Nil

3.1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 2025

Author: Allison Beckwith - Chief Executive Officer, Executive Office

SUMMARY

1. Local Government leaders from around Australia gathered in Canberra from 24 June – 27 June 2025 for the 31st Australian Local Government Association (ALGA) National General Assembly of Local Government (NGA).
2. Representing Banyule City Council were Councillor delegates Cr Alida McKern, Cr Matt Wood and Cr Mary O’Kane.
3. ALGA is the national voice of Local Government, representing 537 councils across the nation, and is a federation of state and territory local government associations.
4. ALGA is guided by their key policies and strategic priorities which are determined by the ALGA Board, consisting of two (2) representatives from each of the member associations and an independent chair.
5. The 2025 NGA featured a wide range of high profile and engaging speakers, leaders, and presenters.
6. The theme for 2025 NGA was “National Priorities Need Local Solutions”. The full conference program can be downloaded and read here in the 2025 NGA Handbook: <https://conferenceco.eventsair.com/nga-2025/> also available are the presentation slides from each speaker
7. Attendance at the ALGA NGA is important for Councillors to continue to understand sector and national issues impacting local government and to learn of opportunities and challenges ahead. Learnings contextualised to Banyule is important in Council continuing to achieve its Vision and Council Plan Objectives.
8. It is important to note that Councillor attendance is budgeted for in Council’s adopted operating budget.

RECOMMENDATION

That Council:

1. **Receive and note the Report prepared on behalf of Councillor delegates who attended the Australian Local Government Association (ALGA) – National General Assembly 24-27 June 2025.**
2. **Note that Attachments 1 & 2 to this Report detail the summary of presentations, discussions, Ministerial meetings and highlights as detailed by Councillors in attendance.**
3. **Note that 190 motions were presented to ALGA National General Assembly with the resolutions from each motion hyperlinked in the body of this Report.**
4. **Acknowledge and note the importance of the annual Australian Local Government Association (ALGA) – National General Assembly (NGA), and the importance of collaboration between local government agencies at local, state, and national level.**

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 2025 cont'd

COUNCIL PLAN

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

BACKGROUND

- From the 24 -27 June 2025 for the 31st Australian Local Government Association (ALGA) National General Assembly of Local Government (NGA) was held.
- Representing Banyule City Council were Councillor delegates Cr Alida McKern, Cr Matt Wood and Cr Mary O'Kane.
- ALGA is the national voice of local government, representing 537 councils across the nation, and is a federation of state and territory local government associations.
- ALGA is guided by their key policies and strategic priorities which are determined by the ALGA Board, consisting of two (2) representatives from each of the member associations and an independent chair.
- The theme for 2025 NGA was "National Priorities Need Local Solutions" focusing on the important role Local Government plays in delivering local place-based initiatives that aim to assist the nation's big challenges. The full conference program can be downloaded and read here in the 2025 NGA Handbook: <https://conferenceco.eventsair.com/nga-2025/>
- At the time of writing this report ALGA had not yet released the resolutions as passed at the NGA 2025. Once available they will be available at: <https://conferenceco.eventsair.com/nga-2025/>
- Whilst this report is not an exhaustive summary of the highlights experienced and learnings obtained by Councillor delegates, **Attachment 1** to this report provides an overview of the ALGA NGA. Some of the key highlights and presentations are detailed below:
 - More than 1,300 local government leaders from across Australia gathered in Canberra from 24-27 June 2025 for the 31st National General Assembly of Local Government (NGA).
 - The event commenced with a welcome to country by Ngunnawal, Kambri and Ngambri custodian Paul Girrawah House. The Assembly recognised the Ngunnawal and Ngambri peoples as traditional custodians of the ACT and recognised any other people or families with connection to the lands of the ACT and region. The Assembly paid its respects to their elders past, present and emerging, and acknowledged the vital and ongoing contributions First Nations peoples continue to make to our nation.
 - Opening the NGA, Her Excellency the Honourable Ms Sam Mostyn AC, Governor General of the Commonwealth of Australia, spoke about the importance of community leadership and local engagement in building national resilience and unity, including the value of teaching our younger generation about civic governance.
 - ALGA welcomed and thanked the many federal members of parliament who attended and spoke at the NGA or associated events, including the Hon Kristy McBain, Senator the Hon Katy Gallagher, the Hon Julian Hill, the Hon Josh Wilson, the Hon Darren Chester, Dr Anne Webster MP and the Hon Kevin Hogan MP.
 - Across two (2) days, numerous presenters spoke on:
 - Australia & the New Geoeconomic Landscape;

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 2025 cont'd

- Big Picture to local action – identifying and solving problems;
- AI for Society: Shaping a better tomorrow;
- Local Government leadership in a changing climate;
- This year's NGA again included listening sessions providing an interactive platform for delegates to engage directly with federal agencies and sector experts on key policy issues. The sessions included:
 - Emergency Management capacity and capability – examples were shared of what has worked in their communities and highlighted remaining challenges, including the need for long-term funding certainty and better integration of local knowledge in disaster preparedness and recovery frameworks.
 - Safer Roads – discussion on infrastructure funding and general maintenance, speed management, driver behaviours, and questions on regional vs urban specific issues.
 - Housing and Community Infrastructure – discussion on a range of challenges from housing affordability, the prohibitive cost of housing infrastructure, and ideas on housing and homelessness; and
 - Local Government Jobs and Skills – key issues highlighted such as attracting workers to the regions, promoting council careers to young values-led workers, better access to local training, cost-shifting concerns, migrant workforce support, and housing shortages as a major staffing barrier.
- The 2025 Assembly program included consideration of 190 motions submitted by councils, outlining opportunities for the Federal Government to better support councils and Australian communities.
- These motions included solutions to address financial sustainability, roads, disaster resilience, health, housing, and climate. Motions passed by the NGA will be referred to relevant Ministers for response and also used by the ALGA Board to inform national policy positions.
- With the assistance of Kate Thwaites MP, Member for Jaga Jaga, Banyule delegate Cr Mary O'Kane and Nillumbik delegates Mayor Cr John Dumaesq and Deputy Mayor Naomi Joiner had the opportunity to visit Parliament House for a tour with an advisor to Minister Thwaites. A brief discussion on the funding sources and Federal funding opportunities without state was undertaken.
- Councillors McKern, Wood and O'Kane met with Kristy McBain MP, Minister for Regional Development, Local Government and Territories. Further detail on each of these meetings and discussion points is included in **Attachment 2**.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 2025 cont'd

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Environmental And Climate Change Impact Assessment

- Banyule City Council declared a climate emergency in 2019. *The Local Government Act 2020* mandates that councils must act on climate change by trying to minimise their contributions to global warming and mitigate and plan for climate change risks.
- As a planning authority and land manager Banyule City Council also has a legislated requirement to protect land, water and biodiversity in Banyule, under the *Planning & Environment Act 1987* and *Catchment & Land Protection Act 1994*.
- The *Environment Protection Act 2017* outlines Councils General environment duty to, so far as reasonably practicable, minimise risks of harm to human health and the environment from pollution and waste.
- In developing this report to Council, the subject matter has been considered against key determinants of environmental and climate change impact.
- It is considered that the subject matter does not adversely affect the environment. There were a number of advocacy considerations discussed across the conference that may have future potential to benefit the Local Government sector.

Sustainable Procurement Outcomes

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

Financial Implications

- There are no financial implications arising from the recommendation contained in this report, and it is important to note that all expenses have already been incorporated into Council's operational budget.
- Table 1 provides a summary of Expenses incurred for the ALGA NGA conference and travel expenses:

Table 1 Expenses

Councillor	Expense	Cost
Cr Alida McKern	Flights (Return)	\$509.39
	Accommodation (3 nights)	\$777.00
	ALGA NGA Registration	\$979.00
	Car hire, transfers & carparking	\$137.63
	Meals	\$79.17

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 2025 cont'd

	Networking Event	\$90.00
	Total Cr McKern	\$2,572.19
Cr Matt Wood	Flights (Return)	\$499.26
	Accommodation (3 nights)	\$777.00
	ALGA NGA Registration	\$979.00
	Car hire, transfers & carparking	\$ 161.83
	Meals	\$182.70
	Networking Event	\$90.00
	Total Cr Wood	\$2,689.79
Cr Mary O'Kane	Flights (Return)	\$509.39
	Accommodation (3 nights)	\$777.00
	ALGA NGA Registration	\$979.00
	Car hire, transfers & carparking	\$161.83
	Meals	\$54.81
	Networking Event	\$90.00
	Total Cr O'Kane	\$2,572.03
Total All Councillors		\$7,834.01

- Council has a Council Expenses Policy that provides for the ability for Councillors to undertake relevant professional development matters and attendance at conferences and seminars relevant to their role.
- As part of Councils commitment to transparency and accountability all expenses are to be reported on as per the Policy.
- Total costs associated with accommodation, registration and travel for those Councillors in attendance at ALGA over four (4) days totalled \$7,834.01.

Collaboration

- Most motions moved at ALGA NGA require collaboration by all levels of government and continued advocacy from Local Government.
- ALGA will continue to provide updates on the success and outcomes of these motions via the NGA 2025 webpage.

Officer Declaration of Conflict of Interest

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

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 2025 cont'd

ATTACHMENTS

No.	Title	Page
1	ALGA NGA 2025 Summary	
2	ALGA NGA 2025 Summary Ministerial Meetings	

3.2 DRAFT COUNCILLOR INTERACTION WITH LOBBYISTS, DEVELOPERS AND SUBMITTERS POLICY

Author: Linda Chapple - Manager Governance & Integrity, Executive Office

Previous Items

Council on 9 December 2024 (Item 3.2 - Councillors affirmation & commitment to the Model Councillor Code of Conduct)

SUMMARY

1. In July 2023 the Independent Broad-Based Anti-Corruption Commission (IBAC) delivered findings from its investigation into allegations of corrupt conduct in relation to planning and property development decisions, involving councillors and property developers in the City of Casey - Operation Sandon.
2. The Operation Sandon special report made 34 recommendations to address the risk of corruption, improper influence, and the planning, policy settings that incentivise corruption in council decision making processes across the sector.
3. Whilst Operation Sandon related to developer conduct and that of certain councillors, the report also focused on weaknesses in the governance processes and procedures of the City of Casey that enabled private interests to improperly affect council decision-making.
4. A policy on interaction with lobbyists, developers and submitters will further support and strengthen good governance practices. The policy is intended to support Councillors to avoid conflicts of interest and continue to maintain a high level of integrity and public trust.
5. A commitment was made to Councillors following an induction session on Planning matters in December 2024 that a policy would be presented for consideration in 2025.
6. At the 9 December 2024 ordinary meeting of Council, Councillors affirmed and committed to the Model Councillor Code of Conduct which became effective as of 26 October 2024 as part of the local government reforms into the Victorian Councillor Conduct Framework. It was identified within that Council report that supporting policies either already in place or to be established were:
 - Councillor Dispute Resolution Procedure (considered and adopted same meeting 9 December 2024)
 - Councillor Social Media Policy (considered and adopted 3 March 2025)
 - Conflicts of Interest Policy (considered and adopted 14 July 2025)
 - Councillor Interaction with Lobbyists, Developers and Submitters (to be considered by Council in 2025)
7. The Draft Councillor Interaction with Lobbyists, Developers and Submitters Policy (**Attachment 1**) is presented for consideration and adoption.
8. Upon successful adoption the Councillor Interaction with Lobbyists, Developers and Submitters Policy will be added as a risk control to Councils Risk Management Framework under Parent Risk 4 (PR4) Fraudulent/corrupt behaviour by a member of staff, elected official and or third party.

DRAFT COUNCILLOR INTERACTION WITH LOBBYISTS, DEVELOPERS AND SUBMITTERS POLICY cont'd

RECOMMENDATION

That Council:

1. **Adopt the Councillor Interaction with Lobbyists, Developers and Submitters Policy as provided at Attachment 1 to this report.**
2. **Publish the adopted policy via Council's website.**
3. **Publish the register of interactions with Lobbyists, Developers and Submitters on Council's website on a monthly and ongoing basis as interactions occur and are recorded.**
4. **Add the adopted policy as a risk control to Councils Enterprise Risk Register under Parent Risk 4 (PR4).**

COUNCIL PLAN

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

BACKGROUND

- In July 2023 the Independent Broad-Based Anti-Corruption Commission (IBAC) delivered findings from its investigation into allegations of corrupt conduct in relation to planning and property development decisions, involving councillors and property developers in the City of Casey - Operation Sandon.
- The Operation Sandon special report made 34 recommendations to address the risk of corruption, improper influence, and the planning, policy settings that incentivise corruption in council decision making processes across the sector. Whilst the report related to developer conduct and that of certain councillors, the report also focused on weaknesses in governance processes and procedures of the City of Casey that enabled private interest to improperly affect council decision-making.
- Whilst there is currently no legislated requirement, recommendations from Operation Sandon, along with recommendations from the IBAC special report on corruption risks associated with donations and lobbying, encourage and promote transparency in planning decisions, and continued strengthening of council governance to minimise and mitigate risk.
- A policy on interaction with lobbyists, developers and submitters will further support and strengthen good governance practices. The policy is intended to support Councillors to avoid conflicts of interest and continue to maintain a high level of integrity and public trust.
- Several Councils such as Merri-bek, Greater Dandenong, Strathbogie Shire, and Whitehorse have implemented policies and are publish registers of interactions on their website.
- This policy will serve to maintain, support and further strengthen the integrity of Banyule City Council and Councillors when engaging with developers, submitters and lobbyists, ensuring that interactions are conducted in an open, transparent and accountable manner.
- Councillors will be required to maintain a written record of interactions with lobbyists, developers and submitters, and submit that record to the Governance & Integrity team within five (5) days of the interaction taking place, ensuring required information is provided.

DRAFT COUNCILLOR INTERACTION WITH LOBBYISTS, DEVELOPERS AND SUBMITTERS POLICY cont'd

- The Governance & Integrity team will oversee and maintain the register of interactions and ensure it's accessible to the public via Council's website on a monthly basis.

KEY ISSUES

- The Operation Sandon special report made 34 recommendations to address the risk of corruption, improper influence, and the planning, policy settings that incentivise corruption in council decision making processes across the sector.
- Whilst there is currently no legislated requirement, recommendations from Operation Sandon, along with recommendations from the IBAC special report on corruption risks associated with donations and lobbying, encourage and promote transparency in planning decisions, and continued strengthening of council governance to minimise and mitigate risk.
- A policy on interaction with lobbyists, developers and submitters will further support and strengthen good governance practices. The policy is intended to support Councillors to avoid conflicts of interest and continue to maintain a high level of integrity and public trust.
- This policy will serve to maintain, support and further strengthen the integrity of Banyule City Council and Councillors when engaging with developers, submitters and lobbyists, ensuring that interactions are conducted in an open, transparent and accountable manner.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Environmental And Climate Change Impact Assessment

- Banyule City Council declared a climate emergency in 2019. *The Local Government Act 2020* mandates that councils must act on climate change by trying to minimise their contributions to global warming and mitigate and plan for climate change risks.
- As a planning authority and land manager Banyule City Council also has a legislated requirement to protect land, water and biodiversity in Banyule, under the *Planning & Environment Act 1987* and *Catchment & Land Protection Act 1994*.
- The *Environment Protection Act 2017* outlines Councils General environment duty to, so far as reasonably practicable, minimise risks of harm to human health and the environment from pollution and waste.

DRAFT COUNCILLOR INTERACTION WITH LOBBYISTS, DEVELOPERS AND SUBMITTERS POLICY cont'd

- In developing this report to Council, the subject matter has been considered against key determinants of environmental and climate change impact.
- It is considered that the subject matter does not adversely affect the environment or provide an opportunity to benefit the environment.

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Draft Councillor Interaction with Lobbyists, Developers and Submitters Policy	

3.3 SUBMISSION OF MOTIONS TO MUNICIPAL ASSOCIATION VICTORIA (MAV) - MAV STATE COUNCIL MEETING 10 OCTOBER 2025

Author: Linda Chapple - Manager Governance & Integrity, Executive Office

SUMMARY

1. The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria and should take a lead role in advocating to the State Government on a variety of issues of concern to local governments in Victoria.
2. The State Council is MAV's governing body and consists of representation from each of the member councils.
3. Members can submit business to be considered to the MAV State Council Meeting in accordance with the [MAV Strategy 2024- 2027](#).
4. All motions must be submitted to the MAV 60 days prior to the meeting.
5. The MAV advises that all motions are due to the MAV on or before Monday 11 August 2025 and are required to be the subject of a Council resolution for the State Council meeting on 10 October 2025.
6. Cr Elizabeth Nealy is Council's appointed Council representative, and Cr Alicia Curry is Council's nominated substitute, and can attend the MAV State Council Meeting with voting rights.
7. The Agenda and Business Papers for the MAV State Council Meeting will be made available on the MAV State Council website on Wednesday 10 September 2025, and subsequently shared with Council.
8. A future report will be presented to Council for consideration as per ordinary custom and practice, detailing Council officers proposed position on the motions in the Papers.
9. Submitting motions to the MAV State Council is an approach Council is taking to align with Council's responsibility of advocating on behalf of the community.
10. **Attachment 1** to this report details three (3) proposed motions to be submitted to the MAV State Council Meeting 10 October 2025 for consideration at the request of Cr Wood and Cr Curry.
11. The proposed motions relate to the following topics:
 - a. Permanent Truck Ban in the North East.
 - b. Social and Affordable Housing Design Standards
 - c. Tree Canopy Targets to Align with 'Plan for Victoria'

RECOMMENDATION

That Council:

1. **In accordance with this resolution, and the Municipal Association of Victoria (MAV) Rules 2022, endorse the motions annexed to this report at Attachment 1 to be submitted to the Municipal**

**SUBMISSION OF MOTIONS TO MUNICIPAL ASSOCIATION VICTORIA (MAV) - MAV STATE COUNCIL MEETING
10 OCTOBER 2025 cont'd**

Association of Victoria (MAV) for consideration at the MAV State Council Meeting scheduled for Friday 10 October 2025.

- 2. Note that call for motions close on 11 August 2025 and are required to be a resolution of Council for consideration.**
- 3. Note that Council may amend the motions that are submitted in consultation with the MAV Governance Department up until 5pm Monday 18 August 2025.**
- 4. In line with resolution 3, authorise the Chief Executive Officer and Manager Governance and Integrity the ability to:**
 - a) submit the endorsed motions on behalf of Council; and**
 - b) make any minor changes to improve the wording of the motion and/or to update the motion relative to any changes to the issue that may have occurred between this Council meeting and the date of its lodgement with the MAV to ensure that it can meet the requirements of the MAV Rules.**
- 5. Note that any feedback received from the MAV on the acceptance, required amendment or rejection of any motion throughout the motion submission process is communicated back to Councillors accordingly.**

BACKGROUND

- The Municipal Association of Victoria (MAV) is the statutory peak body for local government in Victoria and should take a lead role in advocating to the State Government on a variety of issues of concern to local governments in Victoria.
- The State Council is MAV's governing body and is made up of representation from each member council.
- State Council's powers include determining the Rules of Association, electing the president and other members of the Board, determining the MAV's strategic direction and appointing the auditor.
- State Council meet twice a year, or more if required. The second meeting is scheduled to take place on 10 October 2025.
- Members can submit business to be considered to State Council in accordance with the MAV Rules.
- In preparation for the next MAV State Council Meeting, Councillors were requested to provide a copy of the draft motions for consideration by Thursday 17 July 2025 in an effort for Councillors to consider and refine any motion(s) prior to Council endorsement.
- The MAV have advised on 10 July 2025 that all motions are due to the MAV on or before Monday 11 August 2025 and are required to be the subject of a Council resolution.
- The MAV have set out criteria for councils to follow regarding the consideration and submission of motions.
- Each motion is required to be of strategic relevance to the MAV or of such significance to local government that they ought to be considered at State Council meeting.
- Motions are also required to be of strategic relevance and should relate to the [MAV Strategy 2024- 2027](#) which identifies ten (10) enabling MAV priorities being:
 1. Active local democracy;
 2. Connected places;

SUBMISSION OF MOTIONS TO MUNICIPAL ASSOCIATION VICTORIA (MAV) - MAV STATE COUNCIL MEETING 10 OCTOBER 2025 cont'd

3. Health & wellbeing;
 4. Sustainable economy;
 5. FutureGen;
 6. First Peoples local government relations;
 7. Climate & regenerative design;
 8. Diversity, equity & inclusion;
 9. Resilience & recovery; and
 10. Intergenerational infrastructure
- The [MAV Strategy 2024- 2027](#) can be located via the [Strategic plans | MAV website](#)
 - The MAV can determine that a motion does not meet the required criteria.
 - All motions must be submitted to the MAV 60 days prior to the meeting.
 - The motion(s) must have been subject of a Council resolution.
 - Motions must be submitted to the MAV via the MAV approved form – not emailed directly.
 - The Agenda and Business Papers for the MAV State Council Meeting will be made available on the MAV State Council website on Wednesday 10 September 2025.
 - Submitting motions to the MAV State Council is an approach Council is taking to align with Council's advocacy responsibilities.

KEY ISSUES

Permanent Truck Ban in the North East

- Currently, Rosanna Road has a truck ban from 10pm to 6am for vehicles over 16.5 tonnes, which will remain unchanged. The project aims to redirect trucks from arterial roads like Rosanna Road, improving safety and amenity. As Rosanna Road serves as a key route for over-dimensional and placarded vehicles, further restrictions are not supported by the Department of Transport.
- Existing truck curfews apply to Rosanna Road, Lower Plenty Road, Waioara Road, Waterdale Road, Ryans Road, Para Road, St Helena Road, and Bolton Street. Introducing a permanent ban on these roads—while maintaining access for essential vehicles—would balance community needs and freight movement. A comprehensive truck management plan is essential to ensure safety and efficiency in the area.

Social and Affordable Housing Design Standards

- Council is concerned that recent planning reforms have weakened the Better Apartment Design Standards for social and affordable housing, especially for projects fast-tracked through the Development Facilitation Pathway (Clause 53.23). Quality design is essential for healthy, inclusive, and connected communities, and all social and affordable housing should guarantee these standards—without exceptions granted by the Minister for Planning.
- Council is also concerned that incentivising design excellence only through Clause 53.25 could create a two-tiered system: one pathway for affordability, another for design quality. This risks consigning disadvantaged groups to inferior housing, while better design features become accessible only to those who can afford them.

SUBMISSION OF MOTIONS TO MUNICIPAL ASSOCIATION VICTORIA (MAV) - MAV STATE COUNCIL MEETING 10 OCTOBER 2025 cont'd

Tree Canopy Targets to align with 'Plan for Victoria'

- The recent updates to Clause 55 for Townhouse and Low-Rise Apartment Code tree canopy targets are considered too low and undermine the State Government's own 'Plan for Victoria' canopy target of 30%.
- The low targets impede Council's ability to meet its own Urban Forest Strategy canopy targets, which aim for 30% canopy cover across all residential areas and 45% across the footpath and local road network by 2050.

Proposed Motions

- **Attachment 1** provides further detail and rationale on the proposed motions and further outlines the endorsements sought by Council for submission to the MAV State Council meeting to be held on Friday 10 October 2025.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- The potential for a two-tiered system by not having the same design standards for all—where one pathway prioritises affordability and another upholds higher design quality—raises significant concerns from a human rights perspective. When the highest design standards are reserved for those who can pay more, and disadvantaged groups are left with inferior housing, the result can be a stratification of quality and opportunity that cuts to the heart of equity and dignity.
- If planning reforms allow for the weakening of design standards in the name of affordability, resulting in poorer-quality social and affordable housing, this risks consigning already disadvantaged groups to substandard living conditions. Such outcomes may include:
 - Poor ventilation, natural light, and thermal comfort
 - Limited access to communal spaces or green areas
 - Reduced privacy and safety
 - Exclusion from design features that promote health and well-being

When these deficiencies are disproportionately experienced by those on lower incomes or in social housing, it entrenches social and spatial inequality.

- Good design should not be a luxury reserved for the few; it is a public good that underpins health, inclusion, and equality for all. Policymakers are urged to uphold a single set of rigorous design standards for every residential development, guaranteeing that the right to adequate housing is meaningfully realised, and not compromised by economic status.

**SUBMISSION OF MOTIONS TO MUNICIPAL ASSOCIATION VICTORIA (MAV) - MAV STATE COUNCIL MEETING
10 OCTOBER 2025 cont'd**

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Environmental And Climate Change Impact Assessment

- Banyule City Council declared a climate emergency in 2019. *The Local Government Act 2020* mandates that councils must act on climate change by trying to minimise their contributions to global warming and mitigate and plan for climate change risks.
- As a planning authority and land manager Banyule City Council also has a legislated requirement to protect land, water and biodiversity in Banyule, under the *Planning & Environment Act 1987* and *Catchment & Land Protection Act 1994*.
- The *Environment Protection Act 2017* outlines Councils General environment duty to, so far as reasonably practicable, minimise risks of harm to human health and the environment from pollution and waste.
- In developing this report to Council, the subject matter has been considered against key determinants of environmental and climate change impact.
- Without a permanent truck ban the following issues may be ongoing:
 - vibration, dust, and road surface damage persist, leading to incremental but ongoing environmental degradation.
 - Noise pollution, residents continue to experience noise from heavy vehicles during permitted hours, with short-term reductions only occurring during the nightly curfew
- The changes to Clause 55, which set lower tree canopy targets potentially impact the following:
 - Increased urban heat island effect – trees provide shade and release moisture through transpiration, which helps to cool urban areas. With fewer trees, urban areas may experience higher temperatures. This can increase energy consumption for cooling and negatively impact human health.
 - Loss of Biodiversity – Trees provide habitat and food for various species of birds, insects, and other wildlife. Lower canopy targets could lead to a reduction in biodiversity, as there would be fewer habitats available.
 - Increased stormwater runoff – Trees assist in absorbing and slowing down rainwater, reducing stormwater runoff and risk of flooding.
 - Overall the changes to Clause 55 could undermine efforts to mitigate and adapt to climate change, reduce biodiversity, and negatively impact the quality of life in urban areas. It is important to align planning controls with environmental and climate goals to ensure a sustainable and resilient future.

**SUBMISSION OF MOTIONS TO MUNICIPAL ASSOCIATION VICTORIA (MAV) - MAV STATE COUNCIL MEETING
10 OCTOBER 2025 cont'd**

Sustainable Procurement Outcomes

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

Financial Implications

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

Key Considerations

- All motions must be submitted to the MAV 60 days prior to the State Council meeting
- The MAV have recently advised that all motions are due to the MAV on or before Monday 11 August 2025 and are required to be the subject of a Council resolution for the State Council meeting on 10 October 2025.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Banyule Motions for MAV State Council October 2025	

3.4 CEMETERIES TRUST - FINANCIAL STATEMENT

Author: Clare Bowkett - Cemetery Administration & Support Officer, Executive Office

Previous Items

Council on 24 March 2025 (Item 3.2 - Cemeteries Trust - Operations Report)

SUMMARY

1. This report provides a financial update for the 12 months from 1 July 2024 to 30 June 2025.
2. The overall Operating Surplus for the 12 months is \$97,707.
3. The Trust had budgeted for an Operating Loss for the 12 months of \$86,253.
4. The variance is \$183,960 or 213.28% better than budgeted.
5. The main contributing factors to this positive result are the installation and sale of three (3) vaults and an increase in sales of the Right of Interment for cremated remains positions.
6. The Banyule Cemeteries Trust Financial Statement is now presented to the Banyule City Council meeting for review and endorsement

RECOMMENDATION

That Council:

1. **Endorse the Banyule Cemeteries Trust Financial Statement for the 12 months from 1 July 2024 to 30 June 2025**
2. **Notes that the Financial Statement indicates that:**
 - **The overall Operating Surplus for the 12 months is \$97,707.**
 - **The variance is \$183,960 or 213.28% better than budgeted.**
 - **The main contributing factors for this positive result are the installation and sale of three (3) vaults and an increase in sales of the Right of Interment for cremated remains positions.**

COUNCIL PLAN

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

BACKGROUND

- Banyule City Council is the Trustee for the Banyule Cemeteries Trust and as such receives the quarterly Trusts financial statements.
- The Cemeteries Trust Financial Statement is now presented to the Banyule City Council meeting for review and endorsement.
- This report provides a financial update for the 12 months from 1 July 2024 to 30 June 2025.

CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

KEY ISSUES

- Each year Council endorses the Cemeteries budget for the relevant financial year and a 10-year forecast. At the time of setting the budget, Cemetery administration officers' partner with the Finance department to consider previous financial years expenditure and income, trends of burials and interments and administrative costs.
- The variance that can exist between budget and actual in the cemetery administration space is often hard to predict due to the very nature of its operations.
- Council resolved at its meeting on the 24 March 2025 to release for sale the right of interment to the graves located in the smaller identified areas, this has meant that a total of three (3) vaults were sold for the 2024/2025 financial year resulting in a profit of \$66,000.

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Sustainable Procurement Outcomes

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

Financial Implications

- Attached are the budget vs actual financial statements for the 12 months from 1 July 2024 to 30 June 2025.
- The actual Income for the period is \$502,336. The income variance is \$217,741 or 76.51% better than budgeted.
- The actual expenditure for the period is \$404,629. The expenditure variance is \$33,781 or 9.11% more than budgeted.
- Explanations of the results for the financial year to the 30 June 2025 are as follows:

CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

Income Variances

Burial Purchase and Interment	Favourable	\$8,406
Ashes Purchase and Interment	Favourable	\$56,946
Monument and Plaque Fees	Favourable	\$5,727
Vault Purchase and Interment	Favourable	\$104,226
Interest on Investment and Other Income	Favourable	\$44,400
Government Grants	Unfavourable	-\$1,964
TOTAL	Favourable	\$217,741

- Burial Purchase and interment increased due to an increase in the number of interments
- Ashes purchase and interment increased due to the follow up on expired 25-year tenure and on hold positions.
- Monument and plaque fees have generated more income than budgeted.
- Vaults purchase and interment has increased due to the sale of three (3) new vaults
- There was a better return on interest on investment as interest rates did not fall as anticipated.

Expenditure Variances

Administration	Unfavourable	-\$8,624
Maintenance	Favourable	\$14,073.00
Burial Costs	Unfavourable	-\$29,016
Restorations, Equipment and Other	Unfavourable	-\$1,780
Plaque Placements	Unfavourable	-\$8,434
Total Expenditure	Unfavourable	-\$33,781

Administration costs have increased due to additional staff hours to manage leave coverage.

- Maintenance costs have decreased due to waste charges being absorbed by Council and provided for at no cost to the Trust by the Operations Team.
- Burial costs have increased due to the costs associated with an increase in the number of interments and the installation costs for three (3) new vaults.
- Restoration, equipment and other costs increased due to works undertaken for the removal of the water tank.
- Plaque placement costs have increased as more plaques were ordered than anticipated. This is offset by the increase in income from the sale of those plaques.

Capital

- No capital expenditure has been budgeted for this financial year.

CEMETERIES TRUST - FINANCIAL STATEMENT cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Cemeteries Trust - Financial Statement 1 July - 30 June 2025	

3.5 CEMETERIES TRUST - OPERATIONS REPORT

Author: Clare Bowkett - Cemetery Administration & Support Officer, Executive Office

SUMMARY

1. This Operations Report provides an update on the operations of the cemeteries relating to burials and interments of cremated remains and any other issues, such as, grant applications, storm damage, irregular maintenance issues, etc., that may arise.
2. For the 12-month period from 1 July 2024 to 30 June 2025:
 - o the number of burials and ashes interments has increased compared to the same period in the previous year.
 - o burials account for 47% of business (63% in 2023/24) and ashes interments 53% of business (37% in 2023/24).
3. There has been a significant increase in the Right of Interment sales of cremated remains positions.
4. Council has been successful in securing a grant of \$15,000 (GST inclusive) from the Department of Health. The funds have been allocated to the database implementation project.
5. Three (3) new vaults have been installed and the right of interment sold. One (1) other vault will be prepared for sale later this year weather permitting.
6. The *Cemeteries and Crematoria regulations 2015* sunset on the 15 June 2025. As a result *The Cemeteries and Crematoria regulations 2025* have been implemented and are now in force.
7. The Cemetery Database and Mapping System Project is progressing; aerial imaging has been taken at the three (3) cemetery sites and officers are currently working with the vendor to supply and verify data. The project is on track and due for completion in February 2026.
8. The Banyule Cemeteries Trust Operations Report is now presented to the Banyule City Council for endorsement.

RECOMMENDATION

That Council:

1. **Endorse the Banyule Cemeteries Trust Operations Report**
2. **Notes the Operational Report details including the number of burials and ashes interments for the 12 months of this financial year has increased compared to the same period in the previous year.**

COUNCIL PLAN

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

CEMETERIES TRUST - OPERATIONS REPORT cont'd

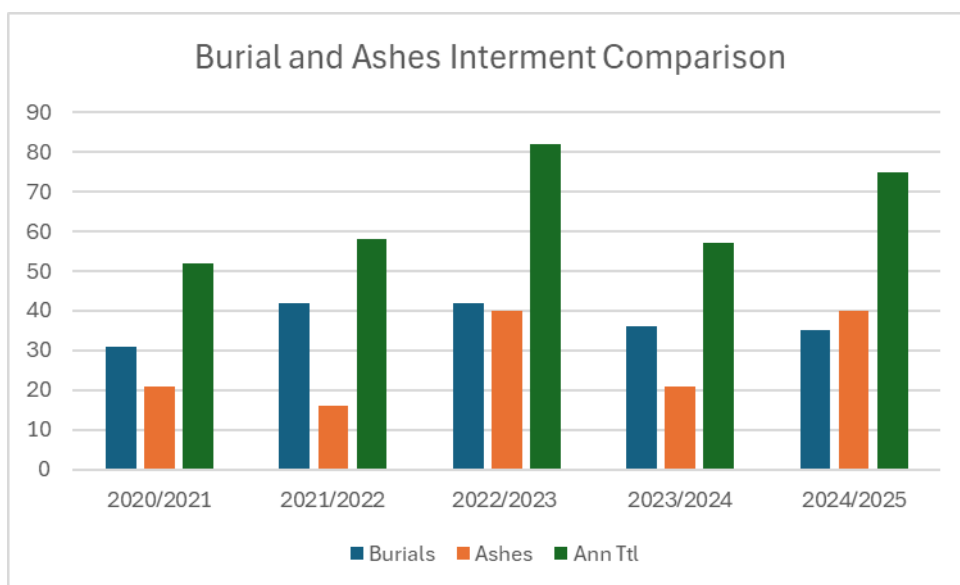
BACKGROUND

- Banyule City Council is the Trustee for the Banyule Cemeteries Trust and as such receives the quarterly Trusts operational reports.
- The Operations Report provides an update on the operations of the cemeteries relating to management of the cemeteries, burials, and interments of cremated remains and any other issues, such as, grant applications, storm damage, irregular maintenance issues, etc., that may arise.

KEY ISSUES

Burials and ashes interments

- There was a reduction in the number of burial and ashes interments for the last quarter of 2024/2025, compared to previous years.
- For the 12-month period from 1 July 2024 to 30 June 2025 there were a total of 75 burial and ashes interments.
- The number of burials and ashes interments for 2024/2025 has increased compared to 2023/2024.
- Burials account for 47% of business (63% in 2023/24) and ashes interments 53% of business (37% in 2023/24).
- The total number of burials and ashes interments were:
 - 57 in 2023/24,
 - 82 in 2022/23,
 - 58 in 2021/22 and
 - 52 in 2020/21 over the same twelve (12) month period.
- A graph showing the total number of annual burials and ashes interments of the past five (5) years from 2020/21 through to 2024/25 is provided below:



CEMETERIES TRUST - OPERATIONS REPORT cont'd

Right of Interment Sales

- There has been a significant increase in the Right of Interment sales this quarter. 17 Right of Interments were sold, and 11 others transferred from a 25-year tenure to perpetuity.
- This is due to officer work undertaken to identify expired 25-year tenure cremated remains positions and follow up on positions placed on hold by customers some time ago.
- For comparison purposes, there were 22 Right of Interments sold for the entire year in 2023/2024.

Department of Health Grant

- Council has been successful in securing a grant of \$15,000 (GST inclusive) from the Department of Health.
- The funds have been allocated to the database implementation project.

New Vaults

- Council resolved at its meeting on 24 March 2025 to release for sale the right of interment to the graves located in the smaller identified areas.
- These smaller areas were further investigated, and it was determined that four (4) locations were suitable for a vault installation and sale.
- Three (3) of the four (4) vaults have been installed and sold, with the fourth to be installed later this year when the weather is more suitable. The vault should be ready for sale in October or November 2025.

New Cemeteries and Crematoria Regulations

- The *Cemeteries and Crematoria regulations 2015* sunset on the 15 June 2025. New regulations have since come into effect.
- Officers have determined that there are minor changes to operations and prescribed forms because of these new regulations, and these have been implemented.

Cemetery Maintenance

- The water tank that was near the maintenance shed has been removed. The water being stored by this tank was unable to be used due to lack of power and an unconnected pump. The tank created issues with leaking and damage to the shed and was therefore removed.
- A new baby change area, mirror and hand dryer have all been installed in the cemetery toilet.

Cemetery Data Base & Mapping System Project

- The Cemetery Data Base and Mapping System Project is progressing; aerial imaging has been taken at the three (3) cemetery sites.
- The vendor has been supplied with maps of the cemeteries and location and deceased records, and are currently linking data to plot locations.
- The project is on track and due for completion in February 2026.

CEMETERIES TRUST - OPERATIONS REPORT cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

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

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Environmental And Climate Change Impact Assessment

- Banyule City Council declared a climate emergency in 2019. *The Local Government Act 2020* mandates that councils must act on climate change by trying to minimise their contributions to global warming and mitigate and plan for climate change risks.
- As a planning authority and land manager Banyule City Council also has a legislated requirement to protect land, water and biodiversity in Banyule, under the *Planning & Environment Act 1987 and Catchment & Land Protection Act 1994*.
- The *Environment Protection Act 2017* outlines Councils General environment duty to, so far as reasonably practicable, minimise risks of harm to human health and the environment from pollution and waste.
- In developing this report to Council, the subject matter has been considered against key determinants of environmental and climate change impact.
- It is considered that the subject matter does not adversely affect the environment or provide an opportunity to benefit the environment.

Sustainable Procurement Outcomes

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

Financial Implications

- There are no financial implications arising from the recommendation contained in this report other than an increase in income as a result of the higher number of interments and the sale of Right of Interments.

CEMETERIES TRUST - OPERATIONS REPORT cont'd

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

Nil

3.6 CEMETERIES TRUST - ABSTRACT OF ACCOUNTS

Author: Clare Bowkett - Cemetery Administration & Support Officer, Executive Office

SUMMARY

1. Banyule City Council is the Trustee for the Banyule Cemeteries Trust and as such receives for consideration and adoption relevant statutory documentation prior to submission to the Department of Health.
2. The Banyule Cemeteries Trust is a Class B cemetery.
3. The *Cemeteries and Crematoria Act 2003* requires all Class B cemetery trusts to forward an Abstract of Accounts detailing the financial transactions for that financial year.
4. The Department of Health has advised that Municipal Councils no longer need their abstracts reviewed or audited, as Council financial statements are already audited by the Victorian Auditor General's Office (VAGO).
5. It is a requirement that the abstract is to be signed by three (3) councillors and lodged with the Department of Health by 1 September 2025.
6. The Abstract of Accounts 2024/25 document is now presented to the Trust for approval, signing and submission to the Department of Health accordingly.

RECOMMENDATION

That Council:

1. **Approve the Abstract of Accounts for Banyule Cemeteries Trust for the period 1 July 2024 to 30 June 2025.**
2. **Ensure that the Abstract of Accounts is signed and submitted to the Department of Health as required under the *Cemeteries and Crematoria Act 2003*.**

COUNCIL PLAN

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

BACKGROUND

- Banyule City Council is the Trustee for the Banyule Cemeteries Trust and as such receives for consideration and adoption relevant statutory documentation prior to submission to the Department of Health.
- The financial year for Cemetery Trusts ends on the 30 June 2025.
- Section 52 of the *Cemeteries and Crematoria Act 2003* requires that an abstract detailing the financial transactions for that year be signed as correct and be witnessed and lodged with the Department of Health by 1 September of that calendar year.

CEMETERIES TRUST - ABSTRACT OF ACCOUNTS cont'd

- The Abstract of Accounts includes the combined figures for Warringal Cemetery and Greensborough Cemetery. The Hawdon Cemetery was never classified as a public cemetery; it was a private cemetery run by the Church of England in Heidelberg and land transferred to Council's care in 1943.

KEY ISSUES

- The annual Abstract of Accounts for Banyule Cemeteries Trust for the period 1 July 2024 to 30 June 2025 has been completed.
- A copy of the Abstract of Accounts is provided at **(Attachment 1)**
- The Department of Health have advised that Municipal Councils completing an abstract no longer require this abstract do be reviewed or audited, regardless of whether the review or audit thresholds are met, because the council's financial statements are audited by VAGO
- The Banyule Cemeteries Trust Abstract of Accounts 2024/25 document is now presented to the Banyule City Council meeting for review and signing by three (3) Trust members prior to lodgement with the Department of Health.

SUPPORTING REPORT DETAILS

Legal Consideration

- There are no direct legal implications arising from the recommendation contained in this report.
- The recommendations and details within this report are compliant with the *Cemeteries and Crematoria Act 2003*.

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Environmental And Climate Change Impact Assessment

- It is considered that the subject matter does not adversely affect the environment or provide an opportunity to benefit the environment.

CEMETERIES TRUST - ABSTRACT OF ACCOUNTS cont'd

Sustainable Procurement Outcomes

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

Financial Implications

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

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Cemetery Abstract of accounts 2024-25	

3.7 COUNCIL MEETING DATES 2026

Author: Penny O'Connor - Governance & Integrity Coordinator, Executive Office

SUMMARY

1. In accordance with The *Local Government Act 2020* and Council's Governance Rules (adopted 30 October 2023), Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Special Meetings.
2. To assist in forward planning, dates for the next year are generally determined in August/September of the preceding year.
3. The dates and venues of Council Meetings are published in the Council Calendar, Banner, and Council's website to ensure transparency on forthcoming meetings and organisational and community planning.
4. The proposed dates for 2026 are based on a Council meeting cycle for meetings to occur approximately every three (3) weeks where possible. There is one (1) exception to this which is detailed further in this report. Please refer to table 1 – Council Meeting Dates for 2026.
5. The schedule considers Public Holidays, the requirements for the adoption and consideration of the Annual Budget, Strategic Integrated Planning Documents and Banyule Plan, Council Vision; Annual Report, Asset Plan, Financial Plan and other key strategies and plans, the Election of Mayor and Deputy Mayor requirements, and the Australian Local Government Association (ALGA) National General Assembly anticipated schedule.
6. The proposed dates have allowed for 15 Ordinary Council meetings for 2026, with an additional one (1) statutory meeting scheduled for the Election of the Mayor and Deputy Mayor. For comparison, in 2025 there were also 15 scheduled Ordinary Council meetings, with the statutory meeting for the election of the Mayor and Deputy Mayor (November).
7. Special Council Meetings can be scheduled, when required in accordance with Council's Governance Rules.
8. It is recommended that all Council Meetings for 2026 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe. Through the Governance Rules Chapter 2 Division 13 rule 61 sub rules 4 and 5 Council may conduct a Council meeting via electronic means should the need arise. Any change to the format of a Council meeting would be communicated to the community at the earliest opportunity.
9. Under the *Local Government Act 2020* s 66(1)(2) Council has the ability to close a meeting to the public should there be threats to safety of staff, Councillors, and the community, or where the disruption of a Council meeting prohibits the transaction of Council business to continue.
10. From time-to-time Council may opt to change the location of the Council Meetings and will communicate the change of location via Council's website and social media and other communication methods as necessary.
11. The purpose of this report is to consider and approve a schedule of meeting dates for the Council Meetings for 2026 (**Attachment 1**). Council may, by resolution amend these dates as required.

COUNCIL MEETING DATES 2026 cont'd

RECOMMENDATION

That Council:

- 1. Approve that Council Meetings for 2026 be held in the Council Chambers located at 275 Upper Heidelberg Road Ivanhoe.
- 2. Adopt the Ordinary Council Meeting dates for the 2026 calendar year for Banyule City Council as detailed at Attachment 1.
- 3. Note that the meeting time will commence at 7:00pm for Council Meetings, unless otherwise notified.

COUNCIL PLAN

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

BACKGROUND

- Decision making is an important part of local government and key decisions are made at Council Meetings.
- Council is required to fix the date, time and place of Council Meetings and provide notice of the Meeting schedule of an Ordinary Meeting or Special Meeting.
- Traditionally at Banyule City Council, Council meetings are held at 7.00pm on Monday evenings, generally on a three-weekly basis.
- Pursuant to s26(4) of the *Local Government Act 2020* If the Mayor is elected for a 1-year term, which is expected to be the case in 2025, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1-year term as is reasonably practicable.
- As such a meeting for the Mayoral Election in 2026 has been proposed for Tuesday 10 November, 2026.

REPORT

Table 1 - Council Meeting Dates for 2026.

COUNCIL MEETING DATES 2026 cont'd

Month	Date (Monday)	Public Holidays
February	9	
March	2 23	Monday 9 March – Labour Day
April	13	Friday 3 April – Good Friday Monday 6 April – Easter Monday
May	4 25	
June	22	Monday 8 June – King's Birthday
July	13	
August	3 24	
September	14	Friday 25 September – Grand Final Day (TBC)
October	5 26	
November	10 Mayoral Election (Tuesday) 16	Tuesday 3 November – Melbourne Cup
December	7	

KEY ISSUES

- The proposed Council Meeting dates have been scheduled taking into consideration the Victorian Public Holidays for 2026, the requirements for the Budget and Council Plan and; Annual Report timetable and the expected dates for the Australian Local Government Association (ALGA) National General Assembly, which a number of Banyule Councillors have attended in the past. At the time of writing this report ALGA National General Assembly dates for 2026 were not available.
- A total of 15 Ordinary Meetings and one (1) statutory Council Meeting (Election of the Mayor and Deputy Mayor) have been scheduled on a three-weekly basis, there is one (1) exception to this cycle that is listed below:
 - A four (4) week interval between meetings on 25 May 2026 and 22 June 2026 to accommodate requirements for the budget process.
- It is important that the organisation has a proposed plan for the forthcoming year to schedule key statutory reports required and manage associated community engagement projects.
- For the purpose and requirement of fixing a place for Council Meetings, it is recommended that all Council Meetings for 2026 be held in the Council Chambers at 275 Upper Heidelberg Road, Ivanhoe.

COUNCIL MEETING DATES 2026 cont'd

SUPPORTING REPORT DETAILS

Legal Consideration

- Pursuant to s 60 of the *Local Government Act 2020*, Council is required to adopt and apply Governance Rules which describe the way it will conduct Council meetings and make decisions.
- The Rules outline the requirements to set Ordinary and Special Meetings the procedures for Council Meetings and set the rules of behaviour for those participating and present at the meeting. They also outline the process for the appointment of the Mayor and Deputy Mayor.

Human Rights Charter

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

Gender Impact Assessment

- Section 9 of the *Gender Equality Act 2020* states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Environmental And Climate Change Impact Assessment

- Banyule City Council declared a climate emergency in 2019. *The Local Government Act 2020* mandates that councils must act on climate change by trying to minimise their contributions to global warming and mitigate and plan for climate change risks.
- As a planning authority and land manager Banyule City Council also has a legislated requirement to protect land, water and biodiversity in Banyule, under the *Planning & Environment Act 1987 and Catchment & Land Protection Act 1994*.
- The *Environment Protection Act 2017* outlines Councils General environment duty to, so far as reasonably practicable, minimise risks of harm to human health and the environment from pollution and waste.
- In developing this report to Council, it is considered that the subject matter does not adversely affect the environment or provide an opportunity to benefit the environment.

Sustainable Procurement Outcomes

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

Financial Implications

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

COUNCIL MEETING DATES 2026 cont'd

Innovation and Continuous Improvement

- Council will continue to be agile and adapt to changing environments if they occur and deliver Council Meetings in alternate ways. Moreover, alternate options to attend meetings such as via electronic means may allow for quorum issues to be managed should Councillors fall unwell.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Proposed Council Meeting Dates 2026	

3.8 RECORD OF COUNCILLOR MEETINGS

Author: Amy Woollcombe - Council Business Officer, Executive Office

SUMMARY

In accordance with section 60 of the *Local Government Act 2020*, Council at its meeting on 30 October 2023 adopted the Banyule Governance Rules. The Governance Rules, Chapter 7 Miscellaneous requires the Chief Executive Officer to ensure that a summary of the matters that are discussed, meet the following definition:

If there is a meeting of Councillors that:

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

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

RECORD OF MEETINGS

1 |

Date of Meeting:	Monday, 7 July 2025 (5pm to 6pm)
Type of Meeting:	Other – Opt in session - Draft Masterplan and Design Guide for the Bell Street Mall Project
Matters Considered:	
1. Bell St Mall Masterplan	
Councillors Present:	
Mayor Cr Elizabeth Nealy	
Deputy Mayor Cr Peter Castaldo	
Cr Alison Champion	
Cr Alicia Curry – arrived at 5.10pm	
Cr Mary O’Kane	
Cr Matt Wood	
Staff Present:	

RECORD OF COUNCILLOR MEETINGS cont'd

Allison Beckwith - Chief Executive Officer Greg Gale – Acting Director Assets & City Services Natasha Swan - Director City Development Fae Ballingall – Coordinator Strategic Planning & Urban Design Maria Farokhi – Urban Designer Damien Harrison – Acting Manager City Futures	
Others Present: Nil	
Conflict of Interest:	Nil

RECORD OF COUNCILLOR MEETINGS cont'd

2 |

Date of Meeting:	Monday, 7 July 2025 (6.33pm to 11.01pm)
Type of Meeting:	Councillor Briefing
Matters Considered: 1. Cr. Professional Development Training – Effective Financial Management (Rates) 2. Proposed Special Charge Scheme Policy 3. Councillor DISC Profile Workshop (1 Hour) 4. CEO Employment Matters Committee Meeting - Confidential 5. Council Briefing papers 6. General Business	
Councillors Present: Mayor Cr Elizabeth Nealy Deputy Mayor Cr Peter Castaldo Cr Alison Champion Cr Alicia Curry Cr Alida McKern Cr Mary O'Kane Cr Matt Wood	
Staff Present: Allison Beckwith - Chief Executive Officer – departed 9.30pm for item 4 CEO Employment Matters Committee Meeting and returned at 9.51pm. Linda Chapple - Manager Governance & Integrity - departed at 9.30pm and returned to the briefing at 9.48pm The following staff departed at 9.30pm and did not return: Greg Gale - Acting Director Assets & City Services Natasha Swan - Director City Development Joseph Tabacco - Director Community Wellbeing Gloria Conte – Chief Financial Officer Toni Toaldo – Manager People & Culture Phil Ryan – Revenue Services Coordinator Mohammad Rashid – Asset Management Coordinator	

RECORD OF COUNCILLOR MEETINGS cont'd

Katrina Neuhofer – Senior Organisational Development Coordinator	
Others Present: Nil	
Conflict of Interest:	Allison Beckwith CEO – CEO was present for all items with the exception of item 4 – CEO Employment Matters Committee. (in at 6.33pm, out at 9.30pm) and (in at 9.51pm, out at 11.01pm) respectively

RECORD OF COUNCILLOR MEETINGS cont'd

3 |

Date of Meeting:	Monday, 7 July 2025 (9.30pm to 9.50pm)
Type of Meeting:	Other – CEO Employment Matters Committee
Matters Considered: 1. Recruitment process and consideration of appointment - Independent Committee Member and Chairperson	
Councillors Present: Mayor Cr Elizabeth Nealy Deputy Mayor Cr Peter Castaldo Cr Alison Champion Cr Alicia Curry Cr Alida McKern Cr Mary O'Kane Cr Matt Wood	
Staff Present: Linda Chapple - Manager Governance & Integrity - present from 9.48pm-9.50pm for administrative purposes only	
Others Present: Nil	
Conflict of Interest:	Nil

RECORD OF COUNCILLOR MEETINGS cont'd

4 |

Date of Meeting:	Friday, 11 July 2025 (10am to 1pm)
Type of Meeting:	Audit & Risk Committee Meeting
Matters Considered: <ol style="list-style-type: none">1. Victorian Auditor General's Office - Results of 2023-24 Local Government Audits2. Aster Advisory - Summary of Progress Report and Internal Audit Plan 1 October 2025 to 30 September 20263. Aster Advisory - Internal Audit Review - Building Safety and Pool Compliance4. Aster Advisory - Internal Audit Review - Procurement - June 20255. Integrity Agencies and Recent Issues Brief6. Performance Review of the Internal Audit Provider - 1 September 2024 to 30 May 2025.7. Status of Internal Audit & Self-Assessment Recommendations - 1 June 20258. Enterprise Risk Management9. Strategic Risk and Risk Appetite Review10. Safety & Wellbeing - Safety Metrics11. Audit & Risk Committee Bi-Annual Report - 1 December 2024 to 30 May 202512. Follow Up Actions arising from the Committee meeting held Friday 28 March 202513. Audit & Risk Committee Annual Work Plan - July 202514. Business Continuity Update15. Cyber Security Update16. Property, Infrastructure, Plant & Equipment - 2024/25 Approach17. Computer Assisted Audit Techniques (CAATs) - Quarterly Report	
Councillors Present: Cr Mary O'Kane Cr Matt Wood	
Staff Present: Gloria Conte – Chief Financial Officer Tim Wakham - Manager Business Transformation & Technology Melissa Smee - Risk & Assurance Coordinator Paul Wilson - Risk & Assurance Advisor	
Others Present:	

RECORD OF COUNCILLOR MEETINGS cont'd

Graham Noriskin - Aster Advisory – Internal Audit Partner	
Richard Wilson - Aster Advisory – Internal Audit Partner	
Hui Ping Teoh - HLB Mann Judd (VAGO)	
Nick Walker - HLB Mann Judd (VAGO)	
Conflict of Interest:	Nil

5 |

Date of Meeting:	Monday, 14 July 2025 (5.35pm to 6.16pm)
Type of Meeting:	Pre-Brief Council Meeting
Matters Considered: 1.1 Award of Contract No.1415-2024 - Supply, Installation and Maintenance of Gym Equipment for Ivanhoe Aquatic and WaterMarc Leisure Centres 1.2 Adoption of the Councillor Conflict of Interest Policy 1.3 Record of Councillor Meetings 4.1 2025 Banyule Youth Summit 4.2 Active Banyule Plan 2025-2030 6.1 Submission to the Nomination of Elliston Estate (Merchant Builders) and Rosanna Parklands to the Victorian Heritage Register (VHR) 6.2 Response to Notice of Motion - Provision of Social Housing in Banyule 6.3 Submission of the Municipal Association of Victoria to the Select Parliamentary Committee on Amendments VC257, VC267 and VC274 (State Government Planning Reforms) 6.4 Council's Communications for the State Government's Planning Reforms 7.1 Broadford Crescent and Highview Crescent Macleod Court Bowls - Proposed Road Discontinuance, Sale and Acquisition of Land - Consideration and Hearing of Submissions 7.2 Road Management Plan 2025 – 2029 8.1 Notice of Intention to Declare a Special Charge – Lower Plenty Shopping Centre	
Councillors Present: Mayor Cr Elizabeth Nealy Deputy Mayor Cr Peter Castaldo Cr Alison Champion Cr Alicia Curry	

RECORD OF COUNCILLOR MEETINGS cont'd

<p>Cr Alida McKern</p> <p>Cr Rick Garotti – declared a conflict of interests for item 7.1 departed at 6.11pm and did not return</p> <p>Cr Mary O’Kane</p> <p>Cr Matt Wood</p>	
<p>Staff Present:</p> <p>Allison Beckwith - Chief Executive Officer</p> <p>Greg Gale - Acting Director Assets & City Services</p> <p>Marc Giglio - Director Corporate Services</p> <p>Natasha Swan - Director City Development</p> <p>Joseph Tabacco - Director Community Wellbeing</p> <p>Linda Chapple - Manager Governance & Integrity</p> <p>Nicole Maslin - Manager Healthy & Active Communities</p> <p>Megan Kemp - Strategic Executive Assist to CEO & Mayor</p> <p>Catherine Corbett - Active Banyule Lead</p>	
<p>Others Present:</p> <p>Nil</p>	
<p>Conflict of Interest:</p>	<p>Cr Rick Garotti declared a conflict of interest for item 7.1 Broadford Crescent and Highview Crescent Macleod Court Bowls - Proposed Road Discontinuance, Sale and Acquisition of Land - Consideration and Hearing of Submissions & was not present for discussion on this item.</p>

RECORD OF COUNCILLOR MEETINGS cont'd

6 |

Date of Meeting:	Wednesday, 16 July 2025 (5.30pm to 6.45pm)
Type of Meeting:	Other Opt in Session – State of Environment Report Indicators 2024-25
Matters Considered: 1. State of Environment report future direction and KPIs	
Councillors Present: Deputy Mayor Cr Peter Castaldo Cr Alicia Curry – arrived 5.55pm Cr Alida McKern	
Staff Present: Natasha Swan - Director City Development Damien Harrison – Acting Manager City Futures	
Others Present: Nil	
Conflict of Interest:	Nil

RECOMMENDATION

1. That Council receives and notes the Record of Councillor Meetings report as detailed in this Officer Report.

ATTACHMENTS

Nil

6.1 EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022)

Author: Hayley Plank - Development Planning Team Leader, City Development

Ward: Griffin

SUMMARY

1. A planning permit application has been received to partly demolish and extend the existing dwelling, demolish existing outbuildings and construct a new outbuilding and remove vegetation at 100 The Eyrie, Eaglemont.
2. The original dwelling will be largely retained and extended to the rear with a maximum height of 8.04m and to provide an additional 292m² of floor area. A garage/retreat building is also proposed at the rear of the site.
3. The development will require the removal of eight (8) trees from the site, which will include four (4) trees protected under the Vegetation Protection Overlay – Schedule 3. This includes one large tree which is considered to have high retention value.
4. The proposal has been amended from that originally submitted and has been publicly advertised on two occasions. Objections have been received from 17 different persons, with concerns relating to the loss of vegetation and impact on trees to be retained, impacts on the character of the heritage overlay area, lack of space for landscaping and impacts on amenity.
5. A community consultation meeting was held following the first public notice period and was attended by 17 residents and the Ward Councillor.
6. It is acknowledged that this is a sensitive area, valued by residents for its distinctive character and subject to several planning controls. Taking these controls into account along with the advice of Council's Heritage and Arboricultural advisors, it is considered that, on balance, the development should be supported, subject to appropriate conditions.
7. It is recommended that the proposal be approved subject to conditions.
8. The application is being presented as it has been called in by the Griffin Ward Councillor.

RECOMMENDATION

1. **That Council having complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, resolves to issue a Notice of Decision to Grant a Planning Permit in respect of Application No. P842/2025 for the demolition and development of extension to dwelling and outbuilding within the Heritage Overlay (HO118) and removal of vegetation within the Vegetation Protection Overlay (VPO3) at 100 The Eyrie EAGLEMONT subject to the following conditions:**

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

General plans

1. Before the development permitted by this permit commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the advertised plans submitted prepared by Design Matters, Revision 2J, dated 13/03/2025 but modified to show:
 - (a) The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of all trees to be retained on site and adjoining trees, in accordance with the arboricultural impact assessment prepared by John Patrick Landscape Architects dated 13/03/2025;
 - (b) Wall on eastern boundary reduced in height so that it does not exceed an average height of 3.2m, with no part higher than 3.6m;
 - (c) A note stating that there is no change to the existing landscaping within the front setback and removal of diagrammatic references to formalised landscaping;
 - (d) Removal of reference to Tree #13 on all plans;
 - (e) Dimensions indicating extent of permeable paving areas;
 - (f) Dimensions indicating width of landscaping strips along driveways and boundaries;
 - (g) Air conditioner units and hot water systems to be nominated on the plans and screened to minimise visibility from the public realm and neighbouring properties, to the satisfaction of the Responsible Authority;
 - (h) A Landscape Plan in accordance with Condition 3 of this permit;
 - (i) A Tree Protection and Management Plan in accordance with Condition 4 of this permit;
 - (j) Location of Tree Protection Fencing in accordance with Condition 5 of this permit.

Layout Not to Be Altered

2. The development as shown on the endorsed plans must not be altered (unless Clause 62.02 of the Banyule Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Landscape Plan

3. Concurrent with the endorsement of plans under Condition 1 of this permit, an amended Landscape Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects, Revision A dated 09.01.2025 but modified to include:
 - (a) Amendments required by Condition 1 of this permit;
 - (b) The following corrections in relation to trees to be retained/removed:
 - i. Tree #10 shown to be retained;
 - ii. Deletion of Tree #14;
 - iii. Tree #7 corrected to be Tree #20;
 - (c) Planting adjacent to driveways and within landscaping zones to consist of varying heights and species;

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

- (d) The *Quercus robur* (English Oak) behind the dwelling replaced with *Pyrus calleryana* (various cultivars), *Acer freemanii* 'Autumn blaze', *Fraxinus pennsylvanica* 'Urbanite' or a similar species, to the satisfaction of the Responsible Authority;
- (e) The setback to the eastern boundary between the southern corner of the pantry to the northern corner of the alfresco area to be planted with shrubs and/or small trees capable of reaching a height of 2.5-3m at maturity, to the satisfaction of the Responsible Authority;
- (f) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (g) Tree species and planting locations must be carefully selected to avoid canopy or root conflicts with overhead wires, property boundaries, easements and existing trees;
- (h) Location and details of paving, steps, retaining walls, water tanks, clotheslines, fence design details and other landscape works including cut and fill.

Tree Protection & Management Plan

- 4. Before the development permitted by this permit commences, a Tree Protection & Management Plan (TPMP) must be submitted to and approved by the Responsible Authority. The TPMP must be prepared by a suitably qualified arborist, including:
 - (a) The management and maintenance of the Trees #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #20, #22 and #24;
 - (b) A management regime for all trees during the demolition, construction and post construction phases of the development must cite, include and consider all Tree Protection measures condition as part of planning permit P842/2022;
 - (c) A tree protection plan drawn to scale;
 - (d) All tree protection zones and structural root zones to be indicated on the plan;
 - (e) The design modifications and specific construction techniques set out in the Arborist Report by John Patrick Landscapes Pty Ltd, March 2025.
 - (f) The types of footings used within tree protection zones which must also be indicated on the plans;
 - (g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist;
 - (h) The location/design of tree protection fencing for retained trees, mulching/ watering requirements and TPZ areas where ground protection systems will be used;
 - (i) Tree removal methods for approved vegetation;
 - (j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 *Pruning of amenity trees*, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*, and must be

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

- restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
- (k) Details regarding site access by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees;
 - (l) Details and location of all underground services in relation to the TPZ of retained trees. Plans must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the responsible authority;
 - (m) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority;
 - (n) Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and are in accordance with the approved Tree Management Plan must be submitted to the responsible authority, to its satisfaction.

Tree Protection Fencing

5. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established and maintained during and until completion of all buildings and works including landscaping, around all trees shown to be retained on endorsed plans, including Trees #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #20, #22 and #24 to the satisfaction of the Responsible Authority:

Tree protection zone measures are to be established in accordance with Australian Standard 4970-2009 as calculated within the arborist report submitted with the application authored by John Patrick Landscapes Pty Ltd, March 2025.

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

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

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

Statement Of Compliance – Tree Protection Zone

- 6. At least 14 days prior to commencement of works, a 'Statement of Compliance' including photographic evidence from a suitably qualified Arborist (AQF Level 5) must be submitted to the Responsible Authority to demonstrate that the Tree Protection Zone (TPZ) fencing is installed in accordance with the permit conditions and endorsed plans. Submission must be made to enquiries@banyule.vic.gov.au referencing the address and Planning Permit number.

Occupation of Development

- 7. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be occupied until the development has been completed to the satisfaction of the Responsible Authority in accordance with the permit and endorsed plans (including, but not limited to built form and layout, parking, landscaping, drainage and water sensitive urban

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

design, street numbering, replacement of street trees and any environmentally sustainable development features).

Urban Design

8. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.
9. Unless otherwise agreed in writing by the Responsible Authority, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
10. The owner must ensure that the garden areas shown on the endorsed plan and schedule shall only be used as gardens and shall be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any plant be removed or destroyed it may be required to be replaced by a plant of similar size and variety.

Drainage General

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

Approved Drainage Outlet

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

Expiry of Permit

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

Application details

Planning Permit Application:	P842/2022
Development Planner:	Hayley Plank

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

Address:	100 The Eyrie EAGLEMONT
Proposal:	Demolition and development of extension to dwelling and outbuilding within the Heritage Overlay (HO118) and removal of vegetation within the Vegetation Protection Overlay (VPO3)
Existing Use/Development:	Single storey dwelling
Applicant:	2181 Planning
Zoning:	Neighbourhood Residential Zone – Schedule 3
Overlays:	Heritage Overlay – Schedule 118 Vegetation Protection Overlay – Schedule 3 Development Contributions Plan Overlay – Schedule 1
Notification (Advertising):	Sign on site Notices to surrounding properties The application was originally advertised in April 2023 and readvertised in May 2025
Objections Received:	17
Ward:	Griffin

Officer declaration of conflict of interest

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

Proposal

- The applicant is seeking approval for the part demolition of the existing dwelling; demolition of outbuildings; an extension to the existing dwelling on site; the construction of an outbuilding; and removal of protected vegetation.
- The site currently accommodates a single storey 'California Bungalow' style building, dating from the interwar period, along with a garage and other outbuilding on the rear part of the site. The proposal will require the removal of both existing outbuildings, along with the rear (northern) part of the dwelling. The original part of the dwelling, as it presents to the street, will be retained.
- The proposed extension will have two levels and will provide an additional 292m² of floor area to the rear of the existing dwelling. The extension will have maximum height of 8.04m and will have a 1m (minimum) setback to the eastern boundary and 4.1m setback to the western boundary. The extension will also include an alfresco area to its northern side and a pool area to its west.

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

- The outbuilding will be located on the northern portion of the site and will comprise an open space capable of accommodating 2-3 vehicles and a retreat area. This building will have a floor area of 125m² and a maximum height of 4.26m. It will be setback 1.95m from the north boundary, 3.81m from the east boundary and 2.666m from the west boundary.
- The site will continue to be accessed via the existing vehicle crossover from The Eyrie, which is located near the western end of the frontage. The existing driveway running along the west boundary will continue to be used to access the proposed garage. There are no changes proposed to the existing frontage to the building or landscaping/works within the front setback.
- The development will require the removal of most of the existing trees and other vegetation on the site. Trees #4, #5 and #6 (in the front setback near the east boundary) and Tree #12 (near the west boundary) are proposed to be retained. All other trees will be removed, including Trees #15, #16, #17 and #18 which are protected under the Vegetation Protection Overlay (Schedule 3). Trees #13, #21 and #23 have been identified as weed species and do not require a permit for removal.
- The application plans are included in **Attachment 1**.

Background

- The application was originally lodged with Council in 2022 and proceeded to public notice in April 2023. The proposal originally included a two storey rear extension of a similar scale to that currently being considered; an extensive basement area accessed via a ramp on the western side of the site and capable of accommodating eight vehicles; an outbuilding to the rear including an office space, retreat area and pool; a front fence and formalised landscaping in the front setback; and the removal of all trees from the site.
- Following the public notice period and community consultation meeting, the applicant agreed to make amendments to the proposal to address some of the concerns raised. An amended application was lodged with Council in February 2025 and these are the plans to be considered in this report.

Locality Plan

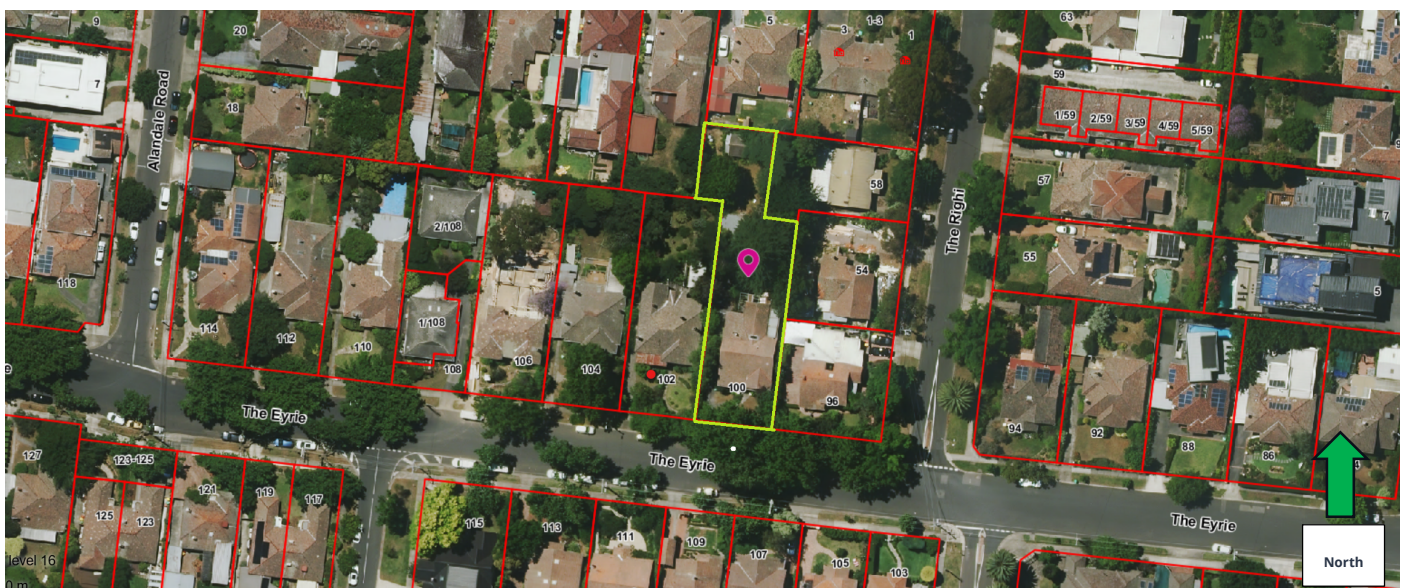


Figure 1. An aerial image of the site identified in green. The image is sourced from Council's internal aerial imagery system (SSA) and dated December 2024.

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

Subject site and surrounding area

Application Site

- The application site is located on the north side of The Eyrie, just to the west of its intersection with The Righi. The site has a total area of 1070m² and has a north-south orientation. It is irregularly shaped, comprising of a rectangular portion on its southern side which is in line with the pattern of development of adjoining sites fronting The Eyrie, and a smaller square shaped portion offset to the north and may have been previously subdivided off an adjoining site. The topography is relatively flat.
- The site is encumbered by two easements. These run along the north-west boundary of the site and through the north part of the site, between the rectangular and square portions as discussed above. Both easements are for sewerage and drainage.
- The site is also encumbered by a restrictive covenant (Instrument Number 717937) which requires a minimum cost for development on the site and restricts the site from being used for a number of specified uses. The proposal is not considered to breach this covenant.
- The existing dwelling is located on the south part of the site and is setback approximately 9m from the street. An existing rendered garage is located near the west boundary behind the dwelling and is accessed via a crossover and concrete driveway which runs along the west side of the site. There is a weatherboard outbuilding located on the north part of the site setback approximately 2m from the north boundary.
- There is a brick wall on part of the west boundary, which is approximately 2.3m high and 6m long. There is no front fence and other boundary fencing comprises timber palings ranging in height between 1.6m and 1.9m.
- The site is extensively landscaped and contains a number of mature trees. Of note, Tree #18 is an approximately 22m high *Cedrus deorora* (Himalayan Cedar), located in the garden behind the existing dwelling. Tree #12 is a *Fraxinis oxycarpa* 'Raywood' (Claret Ash) located in front of the existing garage near the west boundary. There are also a number of other medium to large native and exotic species located within the site as described within the Arboricultural Impact Assessment accompanying the application.

Surrounding Area

- The application site and surrounding area are contained within Heritage Overlay (Schedule 118 – Ivanhoe Views Estate). This extends along The Eyrie to the railway line in the west and just past The Righi to the east.
- The surrounding area generally has a uniform lot pattern, with the application site being an obvious anomaly. Development is generally single storey single dwellings of a range of architectural styles, some of which have been extended towards the rear. There are a number of dwellings which are individually noted in the Heritage Guidelines for the Ivanhoe Views Estate as 'significant'. This includes the application site (100 The Eyrie) and adjoining sites to the east (96 The Eyrie and 56 The Righi), west (102, 104 and 106 The Eyrie) and north (1-3, 5 and 7 Charlton Road).
- The area is well vegetated, with the Heritage Guidelines acknowledging the mature plantings in the area, including the avenue of London Plane trees along The Eyrie. One of these trees is located in front of the application site. The Guidelines also acknowledge the mature early plantings at the rear of 100 and 102 The Eyrie.

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

Public notification

- Public notification was undertaken between 4 and 18 April 2023 (original application) and 9 and 23 May 2025 (amended application), by way of a sign on site facing The Eyrie and letters to adjoining properties owners and occupiers, and previous objectors.
- Objections were received from a total of 17 people during the two public notification periods. The main concerns raised in objections were:
 - Loss of mature trees, particularly Tree #18.
 - Loss of habitat for birds and wildlife.
 - Impacts on adjoining/retained vegetation especially Trees #22, #11 and #12.
 - Inconsistencies in application re removal or retention of Trees #4, #5 and #6 and TPZ of Tree #12.
 - Excessive site coverage and minimal space for replacement planting.
 - Visually intrusive and prominent element in otherwise intact heritage area.
 - Extension is unsympathetic in design, scale, materials and form to the surrounding area.
 - Extent of demolition is excessive.
 - Overlooking from retreat windows towards west.
 - Visual bulk to adjoining properties.
 - Proposed wall on boundary (to east) is not supported.
- A community consultation meeting was held on 9 August 2023 at the Bellfield Community Hub, which was attended by the applicant, Ward Councillor and 17 residents.

Referral comments

Internal	Comments/Conditions
Development Planning Arborist	Council's Development Planning Arborist has reviewed the proposal and advised that the removal of trees on site is appropriate and trees to be retained can be appropriately protected through permit conditions.
Heritage Advisor	Council's Heritage Advisor has reviewed the proposal and advised that the development is supported from a heritage perspective.
Landscape	Council's Landscape Consultant has reviewed the proposal and advised that an alternative species to the <i>Quercus robur</i> is recommended, which require less maintenance and management.

Planning controls

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

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd**Table 1: Applicable Planning Controls**

Control	Clause	Permit Triggered
Neighbourhood Residential Zone – Schedule 3 (NRZ3)	32.09	No
Vegetation Protection Overlay – Schedule 3 (VPO3)	42.02	Yes
Heritage Overlay – Schedule 118 (HO118)	43.01	Yes
Development Contributions Plan Overlay – Schedule 1 (DCPO1)	45.06	Applies
Car Parking	52.06	No

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

Policies Considered

- The planning policies considered are outlined in Table 2 below:

Table 2: Applicable Planning Policies

Policy	Clause
Settlement	02.03-1
Environmental and Landscape Values	02.03-2
Built Environment and Heritage	02.03-4
Housing	02.03-5
Settlement	11
Environmental and Landscape Values	12
Built Environment and Heritage	15
Housing	16

Technical consideration

- The assessment of this application must consider the strategic planning context of the site, including the purpose of the zone, as well as the impacts on heritage values, loss of vegetation, impacts on amenity and other concerns raised by objectors.
- It must be noted that the standards in the planning scheme relating to site layout and massing and onsite/offsite amenity impacts cannot be considered in the planning assessment of the proposal as the only permit for buildings and works, including vegetation removal, rests under the heritage overlay and vegetation protection overlay and not the Neighbourhood Residential Zone.

Strategic Framework and Zoning Requirements

- The Planning Policy Framework generally supports the redevelopment of land within Metropolitan Melbourne. The application site is located within the 'Limited' area within the Residential Areas Framework Plan, where single dwellings are supported, if designed to respect and be sensitive to the valued attributes of the existing neighbourhood character. As discussed in more detail below, the application is, on balance, considered to accord to this strategic direction.
- The site is located within the Neighbourhood Residential Zone (NRZ3) where single dwellings are anticipated, and no permit is required for their development or extension. The proposal accords to the mandatory requirements for the zone relating to height and number of storeys and garden area.

Heritage Values

- The site is located within Heritage Overlay (HO118 – Heritage Views Estate). The reference document 'Heritage Guidelines for the Ivanhoe Views Estate' identifies that the site contains a significant house (Californian Bungalow) and notes mature early plantings at rear.

Demolition

The retention of most of the existing dwelling is supported. This includes contributory elements such as the front façade, chimney and roof form and side elevations which are visible from the street and adjoining property. It is acknowledged that the proposal will require the removal of the rear part of the

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

building, however this is generally a later addition, and the retained section will maintain a three-dimensional form of the original dwelling, which is in accordance with good conservation practice and supported by the Heritage Advisor.

- The outbuildings on site which are proposed to be removed are of no heritage significance and their removal is supported.

Alterations and Additions

- The works proposed to the original dwelling (additional window openings to the east and west sides and repainting of exterior surfaces) are considered to be acceptable and in keeping with the era of the building, whilst providing improvements to the useability of these rooms with the modified floor layout.
- The proposed extension is acknowledged to be of a significant scale in the context of the existing dwelling and surrounding development and of a different architectural form and design. This is not in itself a reason for Council to refuse the application, and consideration is required to be given to the heritage guidelines for this area and how the works would impact the significance of the heritage place.
- The Statement of Cultural Heritage Significance noted that the Ivanhoe Views Estate has historical and aesthetic significance as an interwar housing estate, demonstrating a range of popular housing styles of the 1920s and 1930s. The area is noted to have a high level of integrity where houses remain substantially as originally built and visual uniformity created by single storey character of buildings, rooflines and chimneys.
- The guidelines note that extensions should generally be situated at the rear of the dwelling, noting that the most significant portion of the dwellings within HO118 is generally the façade. The proposed extension is to the rear of the dwelling and the applicant does not propose any changes to the front façade of the dwelling, including the front setback area. The gabled roof line and chimney, viewed from oblique angles and adjoining properties, will not be impacted by the proposal.
- While the guidelines prefer a single storey scale, they acknowledge that two storey additions may occur and guidance is provided within the guidelines to facilitate an acceptable outcome. The extension does not extend significantly beyond the width of the existing building and is setback well beyond the roofline of the dwelling. This results in the extension generally being concealed behind the existing roof in sightlines from the opposite side of the street.
- The extension is of a modern design and will be clearly distinguishable as new work, consistent with policy to avoid replication of historic detail. The flat roof is a departure from typical roof forms in this area, and the building is higher than the existing building, however this impact is minimised due to the setback from the street and the obscuring of sight lines by the retained part of the building. The proposed colour and material palette is considered appropriate to complement the original building.
- The proposed outbuilding is considered to have minimal visual impact from the street frontage due to its location at the rear of the site. Landscaping is proposed around all boundaries to maintain a garden character to this part of the site.

Amenity

- It is acknowledged that the outlook of adjoining sites will be impacted in the sense that they will view an extended dwelling, rather than a vegetated garden area. Importantly the main consideration with respect to amenity for this application is in regard to the impact on the heritage character of the area and the loss of vegetation. As discussed above, the heritage guidelines generally emphasise the streetscape and views from the public realm as the most significant elements of this heritage overlay

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

area. The extent of built form to the rear, whilst a significant change for residents has minimal impact on the overall heritage character as identified for this area.

- The built form itself would accord to typical Recode standards in relation to setback from boundaries, height and site coverage, which will be enforced through the building permit process as this is a single dwelling. There is a proposed wall to the eastern boundary which would likely require a variation under the building process. The applicant has indicated that they would accept a permit condition requiring this wall to be reduced in height to ensure compliance with residential standards can be achieved. This has been included in the conditions of approval, as outlined in Condition 1 b).
- While there is a landscaping plan proposed which provides for new plantings throughout the site, it is noted that planting to the east boundary is minimal, and this part of the building would be visually prominent from three different sites with only a 1m setback in places. It is recommended that this setback be utilised for landscaping, to allow shrubs or small trees which over time can provide greenery to this side of the building.
- A concern was also raised with overlooking towards the west. Overlooking will be managed at the time of the building permit process, albeit it is noted there appear to be measures built into the design to reduce this.

Impacts on Vegetation

- The proposed removal of vegetation from the site is generally supported by Council's Arborist on the grounds that the trees are not protected (Trees #13, #19, #21 and #23) or are of low retention value (Trees #15, #16 and #17).
- The applicant is proposing to retain Trees #4, #5 and #6, which are in the front setback and will not be impacted by the development. These are all small trees of low retention value, however they do form part of the landscaped front setback (which is not proposed to be altered) and provide a positive contribution to the streetscape and views from adjoining property.
- Tree #12 is a 16m high Claret Ash tree located near the western boundary. While the applicant's arborist has assigned this as "low" retention value, Council's arborist considers this to be of higher value and strongly supports its retention. Several objectors have raised concerns that this tree will not be adequately protected during construction, pointing to a discrepancy in the extent of TPZ shown on the application plans. The TPZ is acknowledged to be incorrect on the application plans, however it has been correctly identified and assessed in the Arboricultural Impact Assessment. This tree is already impacted by existing development, including the garage and driveway on the application site and an outbuilding on the adjoining site. Council's arborist considers that it can be adequately protected through measures set out in a Tree Protection and Management Plan, to be approved by Council prior to works commencing.
- The development will also result in encroachments into Trees #20 and #22 (on adjoining sites), which is considered minor and acceptable. Existing Trees #2 (street tree) and #8, #9, #10 and #11 are impacted by existing encroachments (driveway and crossover) and additional works within these areas will be minimal.
- The most critical consideration is in relation to Tree #18. This tree is noted to be a high retention value Himalayan Cedar tree, which is in the centre of the garden behind the existing dwelling. The removal of this tree is of significant concern to several of the objectors.

EXTENSION TO DWELLING IN HERITAGE OVERLAY AND REMOVAL OF PROTECTED VEGETATION AT 100 THE EYRIE, EAGLEMONT (P842/2022) cont'd

- Without the removal of this tree, any additional development on the site would be significantly constrained. Having regard to the competing policy objectives which apply in this instance, the removal of this tree is considered acceptable for the following reasons:
 - The renovation and extension of an existing single dwelling to modern living standards is not an unreasonable expectation.
 - The retention of the original significant dwelling within the streetscape is preferred to an alternative outcome where the existing dwelling is demolished and replaced with a modern dwelling.
 - The tree is large and located close to several dwellings. This may pose a safety risk in the future and pressure for removal.
 - The development has been designed to provide a space for a large replacement tree to be accommodated on site, behind the dwelling.
 - Although the plantings to the rear of the dwelling are noted in the heritage guidelines, Heritage Overlay HO118 does not include controls on the removal of vegetation.
- The application is supported by a detailed landscaping plan prepared by John Patrick Architects. This includes the provision of five medium to large sized trees (greater than 8m mature height) throughout the rear part of the site. Council's Landscape Consultant has recommended that the *Quercus robur* (English Oak) proposed at the rear of the dwelling be replaced with another species which is of an equal size but likely to be less of a maintenance and management problem given the proximity to the building and pathways. This change is recommended as a condition on permit.

Conclusion

- It is acknowledged that this is a significant development in the context of the existing site and this is a sensitive area where the heritage character and mature vegetation are valued by its residents. In a Neighbourhood Residential Zone, comprising ageing housing stock, it is a reasonable expectation that residents will have a desire to upgrade and extend their homes to be suitable for modern living with a high level of internal and external amenity. The development will remain as a single dwelling, albeit larger than the original but not unreasonable in the context of other developments within the area or wider municipality.
- Having regard to the overlay controls applying to the site, the extension is supported by Council's Heritage Advisor as an appropriate response to the heritage guidelines for this area. The proposal also provides an acceptable balance in relation to the removal and retention of vegetation, and replacement planting will create an appropriate garden setting for the rear part of the site. While the loss of Tree #18 is regrettable, it is considered that, on balance, its removal will result in a more favourable outcome given the other planning policies and controls relating to this site.
- On this basis, it is recommended that Council support this application.

ATTACHMENTS

No.	Title	Page
1	Advertised plans	

6.2 BELL STREET MALL DRAFT MASTERPLAN AND DESIGN GUIDE

Author: Fae Ballingall - Strategic Planning & Urban Design Coordinator, City Development

Ward: Olympia

SUMMARY

1. The purpose of this report is to provide Council with the proposed draft Masterplan and Design Guide (the Masterplan) to consider for endorsement for the second stage of community engagement.
2. The intent of the Masterplan is to establish a clear long-term vision for the land in and around the mall, unlock housing potential, and support the development of a mixed-use local centre.
3. The project is fully funded through a grant from the Federal Government's Housing Support Program.
4. The first stage of the project has been a detailed analysis into the opportunities and constraints for the Bell Street Mall (the Mall). This included residential, commercial and traffic analysis as well as discussions with key stakeholders, including the Department of Transport and Planning (DTP), Homes Victoria, Austin Health and community housing providers.
5. From this initial testing, three possible options were presented to the community for feedback from 3 March 2025 to 1 April 2025. A summary of this consultation is in **Attachment 1**.
6. This feedback, along with the background work has informed the draft Bell Street Masterplan and Design Guide contained in **Attachment 2**.
7. The next stage of community engagement is focused on the long-term Masterplan and will include a variety of engagement activities to support the local community in sharing their feedback to Council.
8. Based on this feedback a final draft version of the Masterplan will be presented to Council in December 2025 to consider for adoption.

RECOMMENDATION

That Council:

1. **Note the outcomes of the first stage of community consultation outlined in the Community Consultation Summary Report contained in Attachment 1.**
2. **Endorse the draft Bell Street Masterplan and Design Guide for community engagement from 6 August 2025 to 3 September 2025, which will include online engagement via Shaping Banyule, in person and online information sessions and an online survey.**
3. **Note that Council will receive a further report on the outcomes of community engagement and a final version of the draft Masterplan to consider for adoption.**

BELL STREET MALL DRAFT MASTERPLAN AND DESIGN GUIDE cont'd

BACKGROUND

- The Bell Street Mall sits in a strategically significant location in Banyule that offers opportunities to strengthen an important local centre in the south of the municipality with proximity to a range of key employment, retail, health, innovation and education destinations.
- The area within and surrounding the Mall is rapidly changing and growing and a new plan, developed in collaboration with the community, is necessary to guide this change and ensure the needs of the community are met now and into the future.
- In July 2024 Council successfully received funding through the Federal Governments Housing Support Program, Stream 1, to prepare a new Masterplan for the Bell St Mall that:
 - sets a clear vision for the land in and around the activity centre
 - provides key directions on land use, urban design and public realm surrounds
 - unlocks housing potential, and supports the revitalisation of a mixed use, higher density activity centre
 - provides quality design guidelines
 - allows for staged & flexible delivery

KEY ISSUES

- The draft Masterplan has been informed through key internal and external stakeholder input and community engagement, as well as detailed analysis of the urban structure, land uses, ownership, vehicular & active transport, landscape & open space and the opportunities and constraints that these factors present.
- The strategic directions describe the way the Masterplan will meet the long-term Vision and Objectives under the four themes of a Vibrant, Connected, Inclusive and Transformative Mall.
- The implementation section gives high level guidance on the indicative delivery of the Masterplan. This staging only relates to those land areas located within Council ownership. Land in private ownership will be developed at the discretion of the individual owners and will occur in an incremental manner over time.
- The exact timing of staging will be driven by multiple factors that may result in different elements of the Masterplan being advanced earlier or later. Factors may include the rate of development of the surrounding residential catchment, market conditions, development contributions and Council priorities and resources.
- Council can support staging by strategically developing land it owns to either act as a catalyst for the broader vision or respond to private sector activation.

SUPPORTING REPORT DETAILS

Legal Consideration

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

BELL STREET MALL DRAFT MASTERPLAN AND DESIGN GUIDE cont'd

Human Rights Charter

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

Gender Impact Assessment

- In developing this report, the subject matter has been considered in accordance with the requirements of the Section 9 of the *Gender Equality Act 2020*.
- A Gender Impact Assessment was undertaken, providing a variety of recommendations for the Masterplan aimed at improving gender equity (**Attachment 3**).

Environmental And Climate Change Impact Assessment

- Banyule City Council declared a climate emergency in 2019. *The Local Government Act 2020* mandates that councils must act on climate change by trying to minimise their contributions to global warming and mitigate and plan for climate change risks.
- In developing this report to Council, the subject matter has been considered against key determinants of environmental and climate change impact.
- It is considered that the subject matter does adversely affect the environment or provides an opportunity to benefit the environment through urban consolidation and the provision of increased open space and tree planting.

Sustainable Procurement Outcomes

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

Financial Implications

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

Community Engagement

- A comprehensive engagement period ran from 3 March 2025 to 1 April 2025 to communicate the project's vision, consult on three (3) possible outcomes and receive general feedback on the expected future of The Mall.
- The project team have consulted with key stakeholders during the development of this masterplan to ensure alignment with other strategic projects and consider their specific needs. Stakeholders included the Department of Transport and Planning (DTP), Austin Health, Bell St Mall Traders Association and housing providers.
- Through a diverse range of engagement activities—including online surveys, pop-up sessions, drop-in discussions, creative workshops with schoolchildren, and ongoing conversations at Shop 48—residents, traders, non-profit services, and local stakeholders shared their priorities, values and visions for the future of the Mall.

BELL STREET MALL DRAFT MASTERPLAN AND DESIGN GUIDE cont'd

- Key themes from this first stage of engagement were:
 - Increased green spaces and public open areas
 - Enhancing safety and accessibility
 - Desire for a more vibrant Mall, with good business mix
 - Preserving the historical character
 - Providing adequate parking to support commercial viability
 - Desire for a central community hub that is welcoming and accessible.
 - Integrate the design with the surrounding neighbourhood
- The next stage of community engagement will be on the draft Masterplan and run from 6 August to 3 September 2025 and include a variety of engagement activities for the community to share their feedback, including through an online survey on the Shaping Banyule page, an information session for stakeholders (inc. traders, not-for-profits, land owners), an information session with the community, and another workshop with the local primary school.
- Notice of engagement will be through postcards, mail outs, articles in Banner, email updates, social media and direct contact with key organisations and traders. There will be an officer at Shop 48 for the duration of the engagement to answer any questions.

Officer Declaration of Conflict of Interest

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

ATTACHMENTS

No.	Title	Page
1	Bell Street Mall Masterplan and Design Guide Consultation Summary - March-April 2025- Final Report	
2	Draft Bell Street Mall Masterplan and Design Guide (<i>Under Separate Cover</i>)	
3	Gender Impact Assessment	

6.3 BROADFORD CRESCENT AND HIGHVIEW CRESCENT COURT BOWLS - PROPOSED ROAD DISCONTINUANCE, SALE, AND ACQUISITION OF LAND - FINAL DETERMINATION

Author: Chris Ratcliffe - Senior Property Projects Officer, City Development

Ward: Ibbott

Previous Items

Council on 14 July 2025 (Item 7.1 - Broadford Crescent and Highview Crescent Macleod Court Bowls - Proposed Road Discontinuance, Sale and Acquisition of Land - Consideration and Hearing of Submissions)

SUMMARY

1. At the Ordinary Council Meeting on 14 July 2025, Council received and considered seven written and two verbal submissions in response to the public notice given regarding the:
 - a. part road discontinuance of two (2) court bowls situated in Broadford Crescent and Highview Crescent, Macleod and the sale of the resultant land to Mayflower Reservoir Limited (Mayflower) by private treaty, and
 - b. the proposed acquisition of a parcel of land from Mayflower for the purpose of creating a pedestrian link from Broadford Crescent to Cherry Street Reserve.
2. These submissions were made in accordance with sections 55 and 114 of the *Local Government Act 2020*, Council's Community Engagement Policy, and section 223 of the *Local Government Act 1989*.
3. All submissions expressed opposition to the proposal for varied reasons. A summary of the common themes and key concerns raised in the submissions are as follows:
 - a. Traffic and Safety Concerns: Removal of court bowls will reduce turning space for large vehicles, creating hazards for vehicles and pedestrians. This will be exacerbated by increased traffic from the aged care facility.
 - b. Loss of Public Land: Public land should not be sold for private developer gain.
 - c. Impact on Community Amenity and Character: Court bowls are used for parking, turning, and maintaining the character of the neighbourhood.
 - d. Distrust in Council and the Developer: The development plans already assumed acquisition of the land, suggesting the road discontinuance was pre-determined, with a lack of community consultation or regard for resident concerns.
 - e. Impact of the Pedestrian Link: The proposed pedestrian link to Cherry Street Reserve may increase foot traffic which will result in vandalism and safety concerns.
4. Council has completed statutory procedures under sections 206 and 223 of the *Local Government Act 1989* and sections 112 and 114 of the *Local Government Act 2020* to discontinue the sections of court bowl road reserve not required, sell the land to Mayflower, and acquire a parcel of land to provide enhanced access to public open space.
5. Council can now decide whether to discontinue the two sections of court bowl road reserve, sell the resultant land by private treaty and acquire land for a public walkway.

BROADFORD CRESCENT AND HIGHVIEW CRESCENT COURT BOWLS - PROPOSED ROAD DISCONTINUANCE, SALE, AND ACQUISITION OF LAND - FINAL DETERMINATION cont'd

RECOMMENDATION

That Council:

1. In accordance with sections 206 and 223 of the Local Government Act 1989 and sections 112 and 114 of the Local Government Act 2020:
 - a. by giving public notice in The Age newspaper on 30 May 2025, installing Public Notices on-site for a minimum of 28 days, and issuing notices to surrounding residents,
 - b. having received and considered seven written and two verbal submissions at the Ordinary Meeting of Council on 14 July 2025,
 - c. by recording that three submitters requested to be heard,

forms the views that the two (2) court bowl sections of road on Broadford Crescent and Highview Crescent, Macleod are no longer reasonably required for general public use, and the acquisition of land to provide a public access walkway between Broadford Crescent and Cherry Street Reserve is required, for the following reasons:

- I. Traffic, parking, and access concerns are adequately addressed in existing plans and permits and have been reviewed by relevant authorities and stakeholders.
 - II. The proposed road design, without the court bowls, is consistent with standard design practices and does not present additional safety issues.
 - III. The proposal balances development and broader urban planning objectives, including the provision of aged care services, with community values, resident / pedestrian safety, and local character.
 - IV. Enhanced public open space access is provided through strategic land use.
2. Acknowledges that, upon publication of the Resolution in the Victoria Government Gazette, the specified sections of road will be formally discontinued and sold by private treaty for \$410,400 (plus GST) plus purchase costs.
 3. Acknowledges that, at the appropriate time, Council will acquire land to establish a pedestrian walkway for \$99,000 (plus GST).
 4. Authorises the CEO or their delegate to execute the required documentation to give effect to the transfers of land at the appropriate time.
 5. Authorises the amendment of Council's Road Register to reflect the discontinuation of the sections of 'road', following publication of the Resolution in the Victoria Government Gazette.
 6. Notifies all submitters who made written and verbal submissions of Council's decision and reasons for the decision.
 7. Writes to Mayflower Reservoir Limited (owners of 2-8 Glenmore Street and 44-50 Highview Crescent, Macleod) to advise of Council's decision.

BROADFORD CRESCENT AND HIGHVIEW CRESCENT COURT BOWLS - PROPOSED ROAD DISCONTINUANCE, SALE, AND ACQUISITION OF LAND - FINAL DETERMINATION cont'd

COUNCIL PLAN

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

BACKGROUND

- Council has received an application proposing the discontinuance of two court bowl sections of road in Broadford Crescent and Highview Crescent, Macleod and sale of the resultant land to Mayflower. The land proposed to be discontinued and sold is demarcated in **Figure 1** below and shown in the survey plan in **Figure 2**.
- In addition to the discontinuance proposal, Council is seeking to acquire a parcel of land from Mayflower for the purpose of creating a pedestrian link from Broadford Crescent to Cherry Street Reserve. This is also shown in **Figures 1 and 2**.
- The two court bowls adjoin the land at 2-8 Glenmore Street and 44-50 Highview Crescent, Macleod. A Planning Permit (P58/2021) has been granted to Mayflower permitting the development of a residential aged care facility in accordance with endorsed plans. The above proposal is included in the conditions of the planning permit. The condition was considered in the permit consultation phase and thereafter at the VCAT Hearing prior to the Planning Permit being issued on 4 March 2024.



Figure 1: Aerial photo showing Court Bowls (yellow) proposed for discontinuance and pedestrian link parcel (blue) proposed to be acquired.



- Council has commenced statutory procedures under sections 206 and 223 of the *Local Government Act 1989* and sections 112 and 114 of the *Local Government Act 2020* to discontinue the sections of road reserve, sell the resultant land to the adjoining property owners and acquire a parcel of land for a public walkway.
- The proposal was referred to relevant Council internal departments, external service authorities, and Dyson Group (bus operator) for comment. There were no objections to the proposal. To accommodate the requested conditions, the land in the two proposed discontinued road sections will be encumbered with easements to all relevant authorities. This will be managed by Mayflower as part of its Planning Permit and development approvals.
- KEY ISSUEThe main issues raised in written / verbal submissions are outlined below with a Council Officer response.
- Many of the issues raised in the submissions were satisfactorily addressed in the planning permit process and subsequent VCAT hearing. A comprehensive Traffic Report was submitted to Council assessing the development's impact, resulting in the inclusion of numerous additional conditions in the issued Planning Permit.
- Below are the consolidated issues from submissions received and Council's response to each:

Traffic and Safety Concerns: Removal of the court bowls will reduce turning space for large vehicles (buses, trucks, emergency services vehicles). The narrow roads and blind corners already pose hazards, thus removing

BROADFORD CRESCENT AND HIGHVIEW CRESCENT COURT BOWLS - PROPOSED ROAD DISCONTINUANCE, SALE, AND ACQUISITION OF LAND - FINAL DETERMINATION cont'd

turning areas will worsen this problem. Further, the increased traffic from the aged care facility will exacerbate congestion and safety risk.

- Council acknowledges the submitters expressed concerns regarding traffic safety and vehicle accessibility in the vicinity of the approved Aged Care development and is committed to maintaining safe and functional road infrastructure.
- Both Council's Traffic and Transport and Development Planning departments have reconfirmed previous advice that traffic concerns raised by the community are satisfactorily addressed in the Transport Impact Statement submitted with the Planning Application. The anticipated traffic volume generated by the development is not expected to have a significant impact on the surrounding road network. To ensure this, the endorsed Planning Permit Conditions include (but are not limited to):
 - all loading (including waste) will be accommodated with the designated Loading Zone within the basement),
 - the Bus Stop will be upgraded and relocated by the Applicant to Department of Transport satisfaction, and
 - 100 onsite car parking spaces are to be provided (in excess of the of the Planning Scheme requirement of 69 spaces).
- The current bus operator (Dysons) has confirmed that the proposed changes will not affect bus turning movements.
- Council's Traffic and Transport department have confirmed the road widths of both the Broadford Crescent and Highview Crescent corners will remain the same as all existing roads in the area, and the proposed road alignment is consistent with standard design practices for roads featuring a 90-degree bend. As such, they do not present any significant safety issues without the court bowls present.

Loss of Public Land: Opposed to selling public land to a private developer. This is setting a precedent for selling public assets for private gain.

- Council understands the community's attachment to public land and the importance of preserving shared spaces. The proposed land sale is considered appropriate in the context of broader urban planning and design objectives, including the provision of aged care services, better access to Public Open Space, and appropriate road design.
- Any transfer of public land is subject to statutory process, public transparency, and rigorous evaluation of the financial and non-financial outcomes for Council and the community.

Impact on Community Amenity and Character: The court bowls are used for parking, turning, and maintaining the character of the neighbourhood. Their removal will reduce accessibility and increase danger for pedestrians, especially elderly residents.

- Council values the unique character of Macleod and the role that streetscapes play in community wellbeing. The proposed changes aim to balance development needs with the preservation of local amenity. Design guidelines and planning controls have been applied to ensure that the specific development of the relatively small court bowl road sections complement and enhance the existing neighbourhood character.
- **Figures 3 and 4** show the reinstatement of the of the Broadford Crescent corner (new kerb / channel, nature strip and footpath, with no vehicle access to the development), and the Highview Crescent corner

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(new kerb / channel, nature strip and footpath, with safer vehicle drop off zone, basement Car Park and pedestrian access).

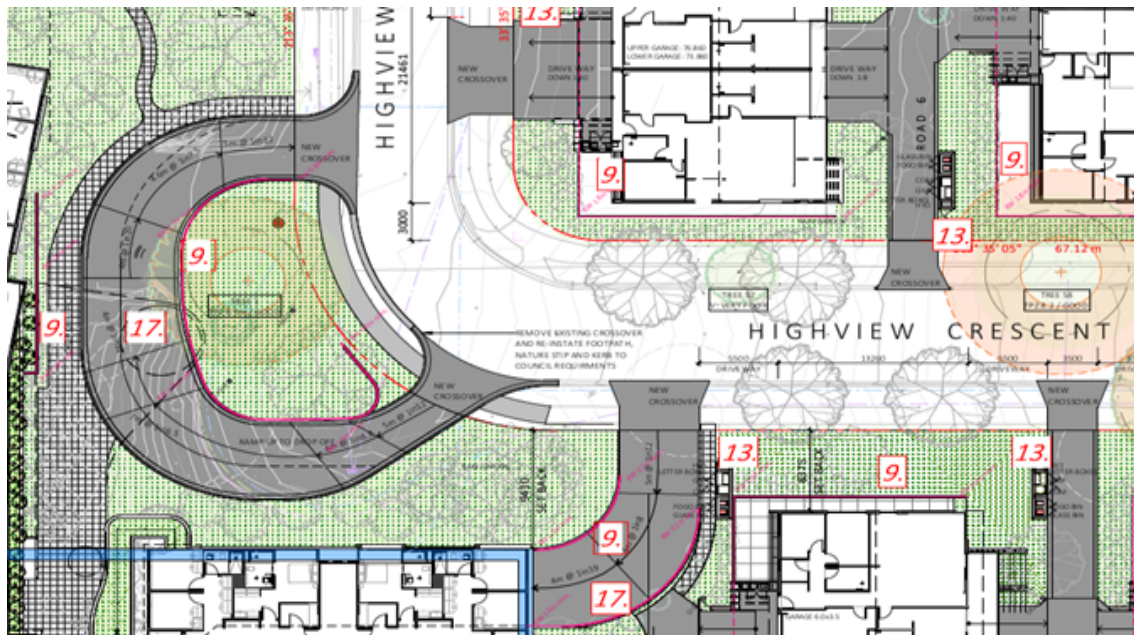


Figure 3: Extract from the plans which formed the basis of the proposal which was consented to and signed by the relevant parties at the VCAT hearing showing Highview Crescent reinstatement.

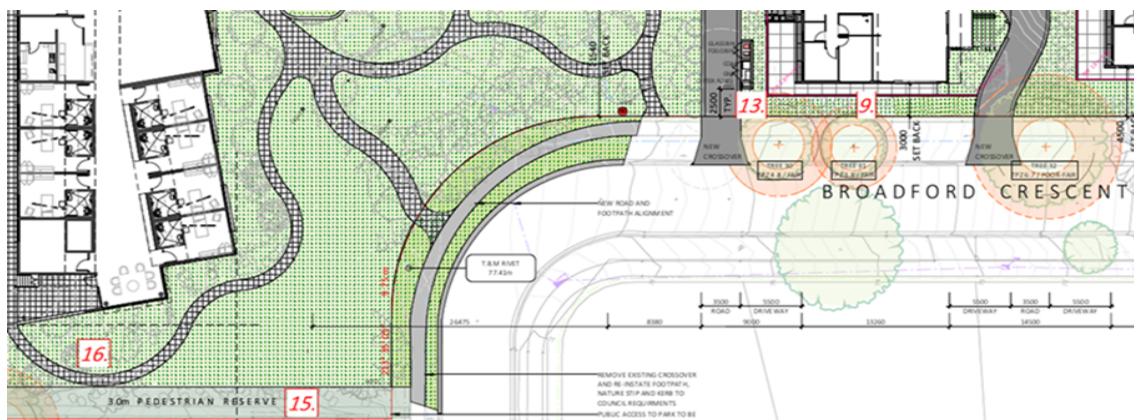


Figure 4: Extract from the plans which formed the basis of the proposal which was consented to and signed by the relevant parties at the VCAT hearing showing Broadview Crescent reinstatement.

- Further, Council's Traffic and Transport department have also advised that the removal of the proposed court bowls will likely improve pedestrian safety by eliminating the unnecessarily long footpath that currently exists. The new footpath will better align with pedestrian desire lines, following the natural walking path around the bend, reducing the risk of pedestrians crossing actual road.

Distrust in Council and the Developer: The development plans already assumed acquisition of the land, suggesting a pre-arranged deal. There was a lack of community consultation and disregard for residents' concerns.

- The Planning Permit for the aged care development by Mayflower (issued on 4 March 2024) included provision for the two court bowl road sections to be discontinued, subsequently sold to the applicant,

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and acquisition of land for the walkway access to Cherry Street Reserve. The planning process includes public notices, submission opportunities, and hearings to ensure all voices are heard and considered.

- The current discontinuance proposal is a separate statutory process to the planning process, which was clearly stated to the developer during the application process. Council has not entered into any binding agreements regarding the land sale and is considering all submissions in making a final decision.
- Extensive statutory advertising, public notification, and community consultation has been undertaken regarding both the original planning application and the road discontinuance proposal.

Opposition to Pedestrian Link: Privacy, safety, and security will be compromised through the creation of a pedestrian link to Cherry Street Reserve. Increased foot traffic will result in vandalism and reduced property value.

- The proposed pedestrian link is intended to improve connectivity and access to public open space. However, Council recognizes concerns about privacy, safety, and security.
- As part of the development approval, Mayflower will construct a suitable retaining wall and fence along its new southern boundary.
- Following transfer of the land to Council ownership and prior to the completion of the design of the walkway, Council officers will undertake further consultation with affected residents and explore design solutions such as gradient requirements, fencing, and landscaping to mitigate potential impacts. The link is intended to improve access to Public Open Space and enhance community benefit without compromising resident wellbeing.

SUPPORTING REPORT DETAILS

Legal Consideration

- The proposal is made under sections 206 and 223 of the *Local Government Act 1989* and sections 112 and 114 of the *Local Government Act 2020* to discontinue the sections of road reserve, sell the land to the adjacent property owners, and acquire a parcel of land.
- Council has given notice of its proposal to:
 - Discontinue two court bowl sections of road in Broadford Crescent & Highview Crescent, Macleod, and
 - Sell the resultant land to Mayflower Reservoir Limited (Mayflower) by private treaty, and
 - Acquire a parcel of land from Mayflower for the purpose of creating a pedestrian link from Broadford Crescent to Cherry Street Reserve.
- If Council decides to abandon the proposal, then Condition 22 – Road Discontinuance / Sale of Land within Planning Permit P58/2021 will need to be deleted or amended. It was clearly stated during the application process that the discontinuance application and the planning application are separate statutory processes. This is referenced in the permit conditions.

Human Rights Charter

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

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

Gender Impact Assessment

- Section 9 of the Gender Equality Act 2020 states Council, as a defined entity, must conduct a Gender Impact Assessment for policies, strategies, plans, programs, and services that are new or up for review and have a direct and significant impact on the public.
- A Gender Impact Assessment was not required for this Report because the Report did not result in the creation or review of a project, strategy or plan that had a direct and significant impact on the public.

Environmental And Climate Change Impact Assessment

- Banyule City Council declared a climate emergency in 2019. *The Local Government Act 2020* mandates that councils must act on climate change by trying to minimise their contributions to global warming and mitigate and plan for climate change risks.
- In developing this report to Council, the subject matter has been considered against key determinants of environmental and climate change impact.
- It is considered that the subject matter does not adversely affect the environment or provide an opportunity to benefit the environment.

Sustainable Procurement Outcomes

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

Financial Implications

- Updated valuations have been obtained from Council's internal valuer. The updated valuations are shown in the table below.
- Amounts have been updated to accurately reflect the surveyed areas.

Land Description	Valuation
Land to be Sold by Council: <ul style="list-style-type: none">- Court Bowl #1 - Broadford Crescent, Macleod- Court Bowl #2 - Highview Crescent, Macleod	\$ 400,400 ex GST
Land to be Acquired by Council: <ul style="list-style-type: none">- Pedestrian Access Path - From Highview Court to Cherry Street Reserve	\$ 99,000 ex GST
Nett transaction proceeds to Council	\$ 301,400 ex GST

- Council will also recover associated costs for advertising, land surveying, preparation and lodging the plan of subdivision, legal / conveyancing and disbursements.

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- Mayflower has agreed to Council's proposed Terms and Conditions for the transaction should it proceed.

Community Engagement

- Community engagement has been undertaken in accordance with sections 206 and 223 of the *Local Government Act 1989* and sections 112 and 114 of the *Local Government Act 2020*, together with Council's Community Engagement Policy and Plans.
- A public notice was published in The Age newspaper and Council's Website on Friday 30 May 2025 inviting written submissions to the proposal. Notices were placed on site and letters served to adjacent property owners.
- The submission period closed at 5:00pm on 27 June 2025 and seven written submissions were received, of which three requested to be heard in support of their submission.
- At the Ordinary Council Meeting on 14 July 2025 the submissions were considered, and two submitters who requested to do so were heard in person or by video / audio messages.
- Matters raised by submitters at the Ordinary Council Meeting regarding the current condition of the site, have been referred to the relevant Council Officers.

Collaboration

- As noted previously, the proposal was referred to relevant Council internal departments, external service authorities, and Dyson Group (bus operator) for comment. There were no objections to the proposal.
- The requirement for a new pedestrian walkway between Broadford Crescent and Cherry Street Reserve provide improved public open space access for residents south of Broadford Crescent.
- The above proposal is included in the conditions of the Planning Permit (P58/2021) for the redevelopment of the adjacent land for an Aged Care Facility which was issued on 4 March 2024.

Key Considerations

- The proposal has been assessed in accordance with the Council's Road Discontinuance guidelines. It has been determined that the two court bowl sections of road are not reasonably required for general public use.
- Council has completed statutory procedures under sections 206 and 223 of the *Local Government Act 1989* and sections 112 and 114 of the *Local Government Act 2020* to discontinue the sections of court bowl road reserve not required, sell the land to the property owners and acquire a parcel of land to provide enhanced access to public open space.

Officer Declaration of Conflict of Interest

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

**BROADFORD CRESCENT AND HIGHVIEW CRESCENT COURT BOWLS - PROPOSED ROAD DISCONTINUANCE,
SALE, AND ACQUISITION OF LAND - FINAL DETERMINATION cont'd**

ATTACHMENTS

Nil

Attachments
