



ORDINARY COUNCIL MEETING

TUESDAY 26 SEPTEMBER 2017

AGENDA

VISION: *Yarra Ranges will be a vibrant and dynamic municipality based on strong local communities living in a place of great natural beauty.*

Our world class municipality will be sustained by a strong local economy and a rich social fabric that is consistent with and supports its environmental values.

MISSION: *Yarra Ranges Council:*

- *Is a collective voice for its people.*
- *Builds healthy, connected and viable communities.*
- *Protects and enhances the natural environment.*
- *Provides transparent, accountable and participatory local democracy.*

NOTES FOR QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

(In accordance with the 2015 Council Meeting Guidelines – Public Participation)

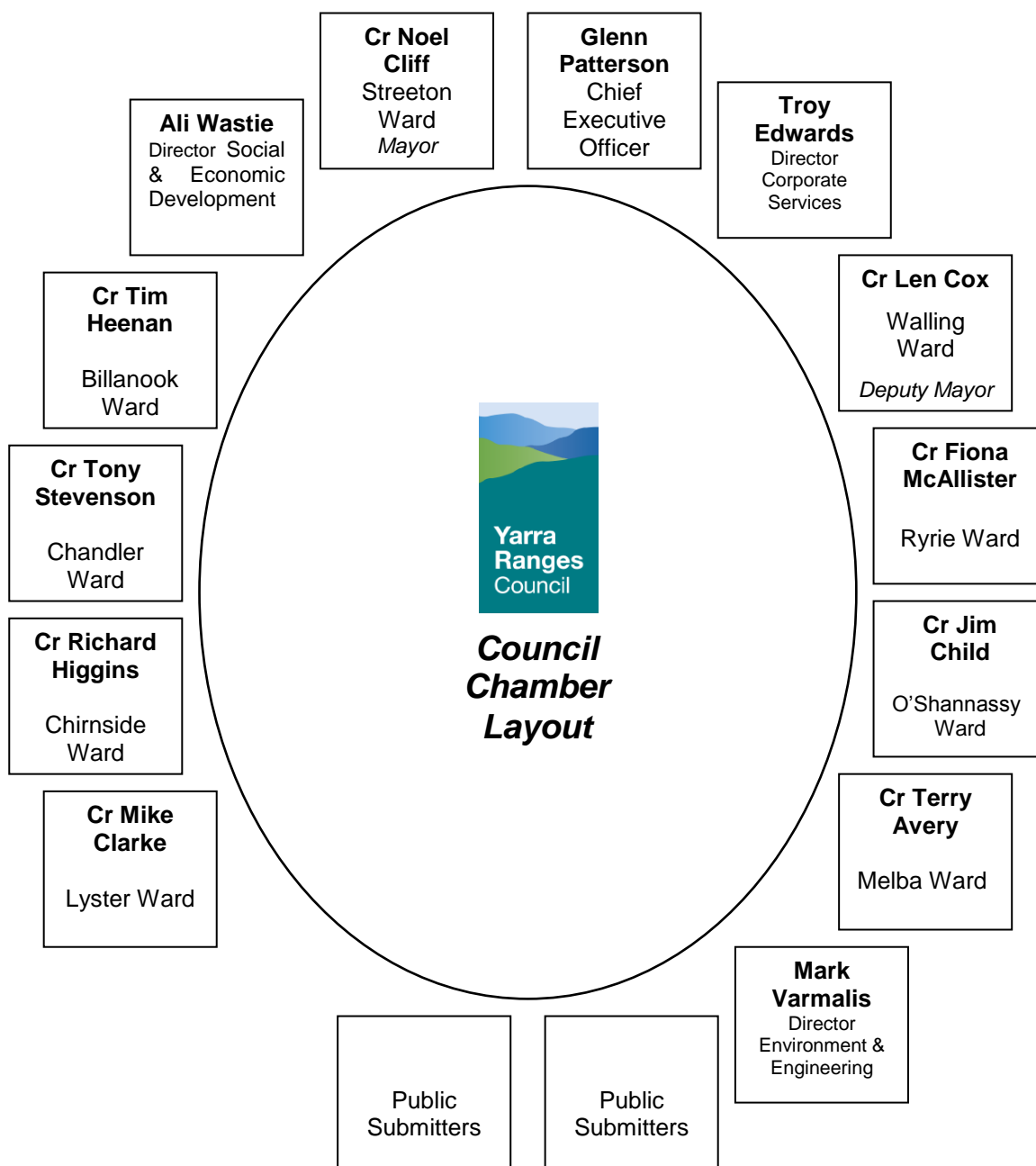
The public is invited to submit questions to the Ordinary Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before** the [Council meeting date](#). Questions relating to items on the agenda, or which are the same as previous questions, will not be considered.

A question will not be accepted if, in the opinion of the Chief Executive Officer, it appears to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public. A limit of one question per person per meeting will apply. Multiple parts to a question will be treated as multiple questions. A maximum of 15 minutes will be allocated to 'Question Time' at each meeting. As far as practicable, questions will be considered in the order they were received. Your question will be read out on the night and if possible will be answered by the appropriate officer. If a question cannot be answered on the night or if time constraints restrict the ability to read out a question, it will be answered in writing in accordance with Council's normal correspondence procedures. You are welcome to attend the meeting and hear the answer to your question, but it is not a requirement. If your question is addressed on the night, we will provide a copy of the answer to you in writing in the days following the meeting.

Submissions to Council on matters not listed on the Ordinary Council Meeting agenda will generally be heard before the items listed on the agenda. The subject should not relate to matters on the agenda for the meeting, or matters that have been already considered by Council or to operational issues. You must provide the required information at least eleven **(11) days before the meeting** you wish to attend to the Governance Team, to allow for consideration of your request and appropriate arrangements to be made.

You should provide sufficient copies of any supporting information you want to be distributed to all Councillors and this will be circulated upon request. A copy of any supporting electronic presentation needs to be given to Governance Team **by midday** of the date of the meeting to ensure compatibility with the Shire's computer system.

Submissions in relation to a specific item on the agenda for consideration will be invited to come forward by the Chair in the order items are listed. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest. Submissions must be made in a way that is respectful of Councillors and staff. You should make sure that you are present at the meeting when the item you wish to speak about is considered, as there will no opportunity for you to speak after the Chair has invited speakers and councillors have begun to consider the item.



INDEX

<u>ITEM</u>	<u>PAGE NO</u>
1. COUNCIL MEETING OPENED	4
2. INTRODUCTION OF MEMBERS PRESENT	4
3. APOLOGIES AND LEAVE OF ABSENCE	4
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	4
5. DISCLOSURE OF CONFLICTS OF INTEREST	4
6. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC	4
7. BUSINESS PAPER	5
SOCIAL AND ECONOMIC DEVELOPMENT	5
7.1 Burnham Beeches Planning Scheme Amendment C142 Consideration of Submissions	5
7.2 Planning Application YR-2017/603 - 5 Two Bays Crescent, Selby	44
7.3 Disability Advisory Committee Casual Membership	63
7.4 Final Health and Wellbeing Strategy	66
7.5 2018 - 2022 Partnership Program Initiation Report	151
CORPORATE SERVICES	171
7.6 Review of Delegations Made to Council Staff	171
7.7 Appointment of Authorised Officers.....	223
ENVIRONMENT AND ENGINEERING	230
7.8 Tree outside 31 Carroll Street, Woori Yallock	230
7.9 Solar Saver Scheme Intent to Levy a Special Charge.....	245
7.10 Contract No CT5414 (Fire Slashing Services - Group 1, Areas 1 to 5 and Group 2) .	255
7.11 Sale of 13 Leith Rd, Montrose.....	260
8. COUNCILLOR MOTIONS	265
9. ITEMS RAISED THROUGH THE CHAIR	265
10. PETITIONS.....	265
11. DOCUMENTS FOR SIGNING AND SEALING	265
12. ASSEMBLIES OF COUNCILLORS.....	265
13. REPORTS FROM DELEGATES	269
14. CONFIDENTIAL ITEMS	269
14.1 CEO Remuneration Review	
15. DATE OF NEXT MEETING	269

YARRA RANGES COUNCIL

AGENDA FOR THE 458TH ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 26 SEPTEMBER 2017 COMMENCING AT 7:00PM IN COUNCIL CHAMBER, CIVIC CENTRE, ANDERSON STREET, LILYDALE

1. COUNCIL MEETING OPENED

2. INTRODUCTION OF MEMBERS PRESENT

3. APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting has been received from Cr Fiona McAllister and Cr Tony Stevenson.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 12 September 2017, as circulated, be confirmed.

5. DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with section 79 of the Local Government Act 1989.

6. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2015

7. BUSINESS PAPER

SOCIAL AND ECONOMIC DEVELOPMENT

No. of Pages – 16

7.1 Burnham Beeches Planning Scheme Amendment C142 Consideration of Submissions

RESPONSIBLE OFFICER	Director Social & Economic Development
---------------------	--

SUMMARY

The owners of Burnham Beeches, 1 Sherbrooke Road, Sherbrooke, have applied for a concurrent planning scheme amendment and planning permit to enable their vision for the land. The proposed planning scheme amendment will retain the site in the Special Use Zone but create a new, stand alone schedule for Burnham Beeches. The proposed schedule removes the caps on patron numbers and includes additional (permit required) land uses to allow more flexibility for Burnham Beeches to operate. The proposed planning permit seeks, in summary, use and development of a residential hotel, an additional restaurant in the piggery building, a brewery with food and drink areas, a shop with food and drink areas, two small staff accommodation buildings, intersection works at the Sherbrooke Road entrance, and vegetation removal.

The proposal was publicly exhibited from to 20th October to 22nd November 2016 and 93 submissions were received. Seven submissions were received from public agencies. Notable among these, the Country Fire Authority could not provide comment based on the insufficient information in the application, and Parks Victoria (managers of the Alfred Nicholas Gardens) expressed strong support for the proposal. The 86 submissions from the public were overwhelmingly critical. Main themes included the effect on fire safety in the area, the inadequate response to heritage values, traffic and parking, environmental and landscape impacts, excessive scale, and inadequate application information.

Council as the Planning Authority must now consider each submission. Where a submission cannot be resolved, Council has three options: to change the amendment in accordance with the submission, to refer submissions to a Planning Panel, or to abandon part or all the amendment.

There are a number of unresolved submissions to this amendment and draft permit. It is recommended that most appropriate course of action is for Council to refer these submissions to the Minister for Planning and request an independent planning panel be appointed to review the submissions.

RECOMMENDATION

That Council

- 1. Request the Minister for Planning appoint an independent planning panel to consider all submissions received in response to combined Yarra Ranges Planning Scheme Amendment C142 and concurrent planning permit YR-2016/105.***
- 2. Base Council's submission to the Panel on the responses and recommendations outlined in this report.***

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report does not have a conflict of interest.

PROPOSAL

Under Section 96A of the Planning and Environment Act 1987, the applicant of the site has submitted a joint planning scheme amendment and planning permit application. The site is currently zoned Special Use Zone Schedule 2—Major Tourist Facility (SUZ2). The proposal will retain the site in the Special Use Zone but enable the applicant's vision for the future use and development of the site via a new schedule. The proposed schedule will remove the current restrictive caps on patron numbers. The current schedule states in relation to Burnham Beeches that "A permit may be granted only if the total guest accommodation does not exceed 110 suites and dwellings, the number of restaurant seats does not exceed 120, the bar/lounge area does not cater for more than 52 people and function facilities do not cater for more than 375 people."

In order to further develop the site, a new, stand alone schedule to the Special Use Zone (SUZ) is proposed in which the above reference to patron numbers is removed. In addition, the new schedule proposes a revised "table of uses", which further enables the applicants' vision by modifying land uses that can occur on the site (see Attachment 1). The new schedule does not include the previous exemption from notice and review, so any future permits will be subject to the normal notification and review process.

Concurrent with the planning scheme amendment proposal, the applicant has made an application for a concurrent planning permit. The permit application broadly includes the following components:

- Use and development of a residential hotel of 48 rooms including the restoration of the historic Norris Building. Within the hotel building, ancillary uses include a function ballroom, a restaurant, and two bars. (The actual physical restoration/ development of the Norris Building will be subject to a separate permit from Heritage Victoria)
- Use of the existing licensed café and bakery in the old piggery building for 188 patrons. While the existing planning permission allows for 120 patrons in the Piggery Bakery/Cafe, the applicant seeks to extend allowable patron numbers.
- Use and development of a new proposed restaurant for 140 patrons in the Piggery Building.
- Use and development of a shop for 60 patrons, described as a providore/teahouse, in an existing caretaker's house on site.
- Use and development of a microbrewery for 120 patrons (partially in the existing silos, with a new double storey building proposed).
- Use and development of staff accommodation in the 'Calferly building'—one suite
- Use and development of staff accommodation in a new building—two suites
- Intersection works at the Sherbrooke Road entrance

- Associated vegetation removal

A masterplan showing the proposal is included in Attachment 2.

BACKGROUND

The planning scheme amendment request was formally considered by Council on 26 April 2016. Council resolved to request permission from the Minister for Planning to prepare and exhibit the Amendment, using the version of the Special Use Zone Schedule supported by Council which did not include an exemption from notice and review for future planning applications, as the applicant had originally sought.

Council further resolved to require information from the applicant prior to exhibition of the proposal, which included a draft planning permit, additional traffic information and an arborist report.

Site History

A site history is included in Attachment 3. Of specific relevance to this application:

- The site currently operates under a planning permit issued in July 2005 for the restoration of the Norris Building as a hotel and function centre and other facilities.
- The permit has been amended numerous times, notably in 2013 when a portion of the patron capacity for the Norris Building was effectively transferred to a newly proposed café and bakery in the Piggery Building, splitting the permit into Stage 1 (Piggery café and bakery) and Stage 2 (Hotel redevelopment). While the Piggery Bakery/Café has operated since mid 2014, Stage 2 has never commenced, and this part of the planning permit is now expired. The proposed planning permit (if approved) will supersede this existing permit.
- In October 2013 a two lot subdivision was approved which allowed the land to be subdivided into two land areas, one of approximately 1.12 hectares comprising the Piggery Building and surrounding land (corresponding to Stage 1 of the 2005 planning permit), and the other of approximately 21.43 hectares and comprising the Norris Building within the balance of the site (corresponding to Stage 2). On 13 December 2016, an extension of time of one year was granted for this subdivision to be certified and registered with Land Victoria.

STRATEGIC LINKS

The Amendment is consistent with the following themes of the Council Plan (2017-21):

- Quality Infrastructure and Liveable Places — Quality facilities and infrastructure meets current and future needs. Places are well planned hubs of activity that foster wellbeing, creativity and innovation.
- Vibrant Economy, Agriculture and Tourism — Our tourism, agriculture, health, manufacturing and other industries are leading and dynamic. Strong investment and attraction underpins sustainable economic growth and job creation.

CONSULTATION

The proposal was publicly exhibited from 20 October to 22 November 2016, which entailed 274 letters to owners of adjoining properties, notices in two local newspapers, and a sign displayed at the front boundary of the property.

A total of 93 submissions were received, made up of 7 responses from public agencies and 86 from members of the public. Responses from the public were overwhelmingly critical, with 80 submissions objecting to aspects of the application, four submissions expressing support, and two taking a neutral position. Attachment 4 contains a summary of public submissions.

FINANCIAL IMPLICATIONS

There are no financial implications of the Amendment for Council. The proponent is required to pay Amendment related costs consistent with standard fees under the Planning and Environment Act.

Should the concurrent planning permit be approved, the proponent will bear the cost of required upgrades to the entry to the site on Sherbrooke Road. These upgrades will be shown on endorsed plans and form part of the planning permit.

PLANNING CONTROLS AND POLICY FRAMEWORK

Current Planning Controls

The site is within a Special Use Zone Schedule 2 (SUZ2), which allows for the use of a major tourist facility such as a hotel or function centre. The SUZ2 has restrictive limits on patron numbers which the applicants seek to remove. The current 'Table of Uses' in the SUZ2 would also not allow some of the land uses proposed by the applicants such as the brewery and shop.

Other planning controls applying to the site include a small portion of land zoned Green Wedge A Zone (GWAZ1), as well as the Environmental Significance Overlay (ESO-Z3), Erosion Management Overlay (EMO), Significant Landscape Overlay (SLO9), Heritage Overlay (State control – the site is listed on the Victorian Heritage Register) and Bushfire Management Overlay (BMO). The BMO is of particular relevance where new buildings are created, or extensions to buildings of over 10% of the current gross floor area, will need to satisfy the requirements of the BMO. With the exception of the schedule to the zone, none of the other planning controls are affected by this Amendment. Attachment 5 shows the planning controls that apply.

Strategic Assessment

The proposal finds general support in State and Local Planning Policy within the Yarra Ranges Planning Scheme, is consistent with relevant Ministerial Directions, and has a sound strategic basis. Broadly, existing policy supports use and development of land which generates tourist and employment opportunities, provided it is respectful of the landscape and environment, responds to community values and heritage characteristics,

and does not present an unacceptable response to bushfire risk. A strategic assessment of the proposal is included in the exhibited Explanatory Report in Attachment 6.

The amendment also finds support in clause 16.14 of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, as detailed in Attachment 6. Under the Planning and Environment Act 1987, the Minister for Planning may not approve any amendment to the Yarra Ranges Planning Scheme which is inconsistent with the Regional Strategy Plan.

KEY ISSUES

Fire Risk

A large number of submissions referred to the danger this proposal would have for residents and visitors in the event of a bushfire. In particular that Sherbrooke Road and other local roads would not have adequate capacity to enable efficient evacuation. Further, submitters questioned whether the buildings proposed could meet acceptable bushfire standards, particularly in relation to required vegetation clearing.

Country Fire Authority

The CFA initially responded with a long list of concerns, mainly focussing on the quality of information provided and the high reliance on secondary consent measures. The CFA concluded that it was unable sufficiently respond due to a lack of information, and recommended further discussions. Ensuing discussions between Council and CFA revealed that the main concerns were:

- The Bushfire Management Statement (BMS) is inaccurate and still refers to a previous version of the application.
- A Bushfire Emergency Management Plan (BEMP) should be submitted with the application (not required as a condition of permit). This needs to demonstrate appropriate “shelter-in-place” options.
- The Amendment does not adequately respond to strategic bushfire policy or Ministerial Direction No. 11.
- Consideration should be given to restricting use on days of high bushfire danger.
- There is a need to reference the ongoing vegetation management requirements arising from the existing subdivision permit.
- The proposal needs to show how biodiversity and environmental objectives of the planning scheme are compatible with proposed bushfire protection measures.
- A plan is required to show how defensible space will be created, and how this responds to planning controls on the removal of mature trees and remnant vegetation, and reconciles with the landscape plan for the site.

Applicant Response

The applicant provided a revised BMS which accurately responds to the current application, and provides a detailed response to strategic bushfire policy. Accompanying this, a draft BEMP has been prepared that will need approval by the CFA before any further use or development commences. Given that some heritage buildings on-site may be unable to meet the standards of the Bushfire Management Overlay (such as defensible space/ vegetation removal), the creation of a BEMP is recommended by the CFA as a means to address the risk to people using or staying in those buildings.

Officer Comment

The Bushfire Management Statement responds in detail to the CFA's concerns.

The BMS identifies the Piggery Building, Shop (Providore), Brewery, Calvery Building and Staff Accommodation Building can provide the required defensible space under the Bushfire Management Overlay. However, the Hotel is surrounded by existing vegetation of heritage significance and likely cannot achieve this. In order to address this deficiency, a draft Bushfire Emergency Management Plan (BEMP) has been provided that documents a series of implementation measures by the site operators to respond to graduated scenarios of fire risk. This is the approach recommended by the CFA.

The proposed facilities could cater for a maximum number of 912 patrons plus staff to be on-site at any one time. Changes to the permit are outlined in this report to regulate hours of operation and reduce this to 664 patrons after 6pm. Much like any other business, Burnham Beeches will reach capacity in peak times; however the large majority of the year will be off peak. Being a leisure and food destination, peak times are likely to occur on weekends and holidays in pleasant weather conditions. They are unlikely to occur on days of high fire risk when there will be high temperatures and strong winds. Nevertheless, the applicant has now provided a detailed response to fire risk which addresses a broad range of bushfire risk scenarios, accessible on Council's website (page titled 'Amendment C142 – Burnham Beeches').

At the most severe fire risk extent, the site will not open or operate at all on Code Red days.

On days of elevated fire risk (severe or extreme fire rating), the number of staff and visitors on site will be limited to 500, which is the number of people that can be safely accommodated in designated "shelter in place" buildings. These buildings are the Piggery Building, the proposed Brewery, and the Shop (Providore). The Bushfire Management Statement sets out specific construction standards and defensible space for these buildings in excess of the standards that would apply were they not classified as shelter-in-place buildings.

Lower down the fire-risk scale, the BEMP sets out primary actions to be followed when there is notification of a bushfire threat. These involve ceasing site operations and communicating with emergency services, following which either site evacuation or shelter-in-place would ensue.

The BEMP will need to be approved by the CFA before any further use or development of the site occurs.

Conditions are recommended to be added to the draft planning permit to reflect the identified BMS requirements for patron numbers.

Given that the BEMP will need to be revised if any future planning permit applications are lodged (or future amendments to any permit granted under C142), it is recommended to add the BEMP information requirements to the exhibited schedule to the Special Use Zone. Placing the requirements in the Schedule will make them more visible than locating them as a planning permit condition, and will reflect the importance of ongoing management of the site for fire risk given the Norris Building's inability to meet defensible space requirements of the Bushfire Management Overlay.

Vegetation Removal

Concerns from the public centred on the removal of trees associated with creating space for the new car parking spaces, with particular concern over native tree losses. Suggestions were made that the car park could be reduced or relocated to avoid these impacts.

The Department of Environment, Land, Water and Planning (DELWP) commented in its submission that the exhibited information lacks required detail on the extent of native vegetation removal and an assessment against Clause 52.17 (Native Vegetation) of the Planning Scheme.

Applicant Response

A revised arborist report has been provided for trees in the south-east of the site near the proposed car park. The number of proposed car spaces has been reduced in order to retain significant trees.

The trees proposed for removal are now confined to three Mountain Ash trees defined as having no retention value due to health and structure, and five exotic species varying from low to moderate retention value.

The requested response to Clause 52.17 is provided, which can be used as the basis for planning permit conditions requiring vegetation offset planting to compensate for vegetation lost.

Officer Recommendation

Conditions are required to be added to the draft planning permit to reflect the applicant's response to Clause 52.17.

Permit conditions are recommended to require planting to compensate for losses of exotic trees.

It is acknowledged that Council does not yet have some information relating to tree impacts, as outlined in the 'Landscape Impacts', and 'The need for further approvals' sections of this report.

Traffic

Among the concerns from the community were:

- The traffic generated from the operation of the Piggery Bakery/Café already severely impacts the functionality of Sherbrooke Road, which will be exacerbated by the proposed additional development.
- The current intersection at the entry to the site is confusing.
- The area of Sherbrooke Road adjoining the site is dangerous, which is made worse by parking on road verges.
- Access through the Alfred Nicholas Gardens is inappropriate because it would affect the ambience of the gardens and affect pedestrian access. It is also not necessary because the applicants are proposing to substantially upgrade the main entry to the site on Sherbrooke Road.

Applicant Response

A revised traffic report has been provided to address information gaps. The report finds that the new traffic generated by the proposal will not unreasonably impact traffic on Sherbrooke Road.

The traffic report includes a proposal to improve vehicle access to the site, including intersection design diagrams.

Officer Comment

Council engaged Cardno Traffic Consultants to peer review the applicant's Traffic Report. Cardno's analysis reinforced the conclusions that the impact on Sherbrooke Road traffic is acceptable.

Council has requested Cardno undertake an analysis of the applicant's proposed intersection layouts. This work is ongoing but it is believed an appropriate intersection treatment can be designed.

Access to the Site

The traffic report prepared by Salt Consultants has a two stage solution to traffic management issues. The first stage is described in Appendix 4 to the Report as the 'Interim Solution', and proposed changes to the main entry that would allow it to function effectively in coordination with the use of the Alfred Nicholas Gardens' access for the majority of ingress movements. However, given that access from the Alfred Nicholas Gardens may not always be available in the future, the Salt Report provided a further, second stage solution to apply if, due to changes of circumstances in the future, all access to the site must permanently be from the main Sherbrooke Road entry. This is documented in Appendix 5 to the Salt Report.

Council officers consider this two-part solution is cumbersome and difficult to implement, particularly in light of the history of planning compliance issues on the site regarding the current entry. The access from Alfred Nicholas Gardens may not be possible in future due to temporary closures or an ending of the legal agreement, and Burnham Beeches needs to secure an ongoing, sustainable access solution. Council is recommended to support construction of a single intersection plan prior to any further use or development of the site, which will sufficiently provide for all proposed operations. The preferred form and layout of this intersection is likely to be similar to the version in Appendix 5 but is still being

explored through the work of Cardno Consultants, and can be further discussed in a planning panel.

The issue of parking on road verges in Sherbrooke Road is a Council issue which can be regulated with parking restrictions if needed.

Parking

Among the concerns from the community were:

- The current management of parking on the site is inadequate, as seen by the parking issue in Sherbrooke Road. Intensifying commercial activity on the site will worsen this.
- The traffic report does not consider the proposed reconnection of Burnham Beeches with the Alfred Nicholas Gardens, which will result in visitors parking at (or near) Burnham Beeches for long periods while visiting both sites, thereby increasing the required parking.
- The plans do not show parking spaces accurately i.e. the number of existing spaces is over-represented, and there are five tandem spaces shown which cannot be practically accessed. There are no spaces removed for tree protection purposes as recommended by the arborist report.

Proponent Response

The car park design has been amended to avoid the removal of significant trees, and consequently the number of proposed car spaces has been reduced. The traffic report finds that the number of car spaces proposed exceeds demand at all times of day.

Officer Comment

The applicant's updated traffic report includes new calculations of parking required and provided. The report finds that the site provides adequately for parking demand. A review by Cardno Traffic Consultants upheld this conclusion, as did Council's Engineering Department.

The application proposes car parking slightly below its statutory requirements under the Planning Scheme. However, the Planning Scheme allows the statutory requirement to be reduced where it can be demonstrated that the public demand for parking is lower. After considering public demand, the applicant's traffic report finds the proposed parking provision acceptable. While a Cardno review calculated public demand differently to the applicant's traffic report, it upheld the conclusion that proposed parking spaces are in excess of parking demand, as did Council's Engineering Department.

Given that the applicant's traffic report states that the Piggery Café/Bakery and the Shop (Providore) will not operate after 6pm, it is recommended to alter the draft planning permit to reflect this as the required hours of operation.

Regarding visitors to both sites, the Alfred Nicholas Gardens has a separate parking lot opposite the gardens.

Heritage

Heritage Victoria - A late submission was received from Heritage Victoria in May 2017, which commented in summary:

- There is no objection in principle to an increase in patrons from that allowed under the SUZ2, or the use of the Norris Building as a hotel and repurposing of other buildings
- The new car park will have tree and landscape impacts.
- More information is needed on the heritage significance of the trees. The Beech trees around the site entrance are significant
- The staff accommodation building is badly located under significant trees and should be moved/removed
- The modifications to the silos (surface openings) and the calfery building (grass roof) are significant and should be reduced in impact

Applicant Response

The car park has been revised to avoid removing significant trees. The staff accommodation building has been relocated to a cleared area of the site approximately 420 metres west of the Piggery Building.

Officer Comment

It should be noted Heritage Victoria issues a separate permit for buildings and works within the Heritage Overlay (HO5) on site, and any comments from it on C142 should be regarded as providing direction to ensure a future heritage permit application is generally consistent with C142 (for the applicant to ensure the heritage permit process proceeds smoothly).

While Heritage Victoria considers the Beech trees in Sherbrooke Road as significant, this area is not affected by a Heritage Overlay. These trees have no formal heritage classification. Nevertheless, Heritage Victoria's comments are noted.

Waste

Submissions revealed some concerns that there is a lack of information on waste water treatment and that the public should be able to see the proposed methods as waste water may cause pollution to local waterways.

Applicant Response

An updated waste water report has been provided demonstrating the proposed method of waste disposal via reticulated sewer connection. There will be no septic tank solution used, and therefore no potential for pollution of local waterways. In addition, the applicant has provided a letter from Yarra Valley Water which commits to constructing a sewer connection to Burnham Beeches by mid-2019, which is part of Yarra Valley Water's ongoing Community Sewerage Program.

Officer Recommendation

The draft permit conditions, which require an EPA Works Approval for a septic tank solution prior to any use or development occurring, should now be amended in the draft permit to provide an alternate option for a reticulated sewer connection to be provided prior to any further use or development.

This issue is considered generally resolved.

Environmental Impacts

Among the concerns from the public were:

- The development and associated road widening, car parking areas, noise, and lighting will negatively affect flora and fauna.
- The area is an important movement corridor for lyrebirds and other native animals. Further development would mean more animals killed or injured along Sherbrooke Road and elsewhere.

Applicant Response

The site has some significant trees, which are concentrated along the northern and eastern boundaries, with some large trees scattered across the remainder of the site.

The Brett Lane Flora and Fauna Report finds that the part of the site affected is largely comprised of introduced and non-indigenous plant and tree species. In addition, it finds that the fauna habitat value of the property is low with the exception of the tall forested areas along the northern boundary.

Officer Recommendation

Conditions to be added to the draft planning permit requiring vegetation offsets as recommended in the Brett Lane Native Vegetation Assessment.

Landscape Impacts

Among the concerns of the public were:

- The proposed buildings, car parking areas, road widening, and any additional advertising signage is inappropriate to the landscape setting.
- There should be robust “screening” planting between parking areas and the front property boundary.

Applicant Response

Given most new uses are proposed in existing buildings, the landscape impact of proposed buildings is largely limited to the brewery, which is proposed to be a double storey structure of glass and concrete attached to the existing silos. The brewery is set back approximately 35 metres from Sherbrooke Road and will be screened from the road by trees and other vegetation.

The draft planning permit contains a condition requiring screening planting between the parking areas and the front property boundary.

A landscape report has been provided which sets out a landscaping concept across the site, and considers the future integration with the Alfred Nicholas Gardens.

Officer Comment

The landscape impacts of buildings and car parking areas can be considered by a planning panel.

Council requested further arborist information from the applicant regarding tree impacts resulting from the intersection / road works; the information has not yet been provided. The details of any vegetation removal will be required and assessed as part of the final intersection layout. While there is a preferred layout it can be manipulated to avoid vegetation removal where possible. Council has engaged Cardno traffic consultants to provide advice on an optimal layout for traffic movements, and how effectively this can be manipulated to avoid trees.

The Cardno review may result in recommended changes to the 'Ultimate layout' proposed by the applicant, which can be explored at a planning panel.

Preliminary consideration of the 'ultimate layout' by Council's arborist has indicated that it may result in the removal of 5 trees, with arboricultural assessment of a further 9 trees needed to identify whether they can be viably retained. The applicant will need to provide additional information relating to vegetation impacts associated with a preferred intersection treatment and this should be provided as part of the panel process.

Amenity

The public commented:

- Music and noise on the site is already an issue, and must be carefully restricted.
- The hours of operation are excessive and will impact the natural ambience and amenity of the area.

Applicant Response

The draft planning permit contains conditions regulating noise on site. This has now been extended by the EPA's submission, which requires further conditions.

The hours of operation are reasonable.

Officer Comment

EPA required planning permit conditions related to noise and other potential amenity impacts to be added to the draft planning permit.

It is recommended to alter the proposed hours of operation on the draft permit to prevent the Piggery Bakery/Café and Shop (Providore) from operating after 6pm, consistent with the applicant's traffic report.

Liquor License

Some concerns were expressed over the sale and consumption of liquor at the site, which was described as bringing alcohol to a traditionally dry area.

Applicant Response

None

Officer Recommendation

Under Clause 52.27 of the Planning Scheme, a planning permit is required to use land to sell or consume liquor if a license is needed under the Liquor Control Reform Act 1998.

Once a planning permit has been obtained the proponent will need to apply to the Victorian Commission for Gaming and Liquor Regulation (VCGLR) for a separate liquor license for the brewery and restaurants which will contain conditions related to hours of operation, patron numbers and areas where alcohol may be served. The VCGLR is guided by any conditions Council may choose to include on the planning permit. All liquor licenses are referred to Council and Victoria Police for comment.

On a general level, it is considered that sale and consumption of liquor for Burnham Beeches could be acceptable for the number of patrons contemplated by C142. Given the size of the land, the separation distances from surrounding areas, and the self enclosed nature of the proposal, visitors are unlikely to spill out onto the street or public areas and cause nuisance. The hours of operation and any other conditions Council may require in relation to the planning permit will be considered as part of the liquor license.

Subdivision Application YR-2012/973

Although separate from the current C142 proposal for the site, many submissions expressed concern over the two lot subdivision, which was approved in October 2013. Public submissions considered it misleading not to have mentioned this in the exhibition documents, and argued that the subdivision changes the nature of the current proposal.

The subdivision decision was based on a plan which showed the land surrounding the piggery café (1.12 hectares) and the balance of the site (21.43 hectares) as separate lots, with an area of common property allowing access to each new lot from Sherbrooke Road. In order to take effect, the subdivision must progress through a number of administrative stages, which will involve a Section 173 Agreement under the Planning and Environment Act 1987 being finalised between the land owners and Council. This includes a requirement for a Management Plan to demonstrate how the site will continue to operate as a single entity. At the time the permit was written, the requirement for the Section 173 Agreement responded directly to the potential for subdivision to lead to fragmentation of the site and a loss of cultural heritage significance.

There is a time limit on the YR-2012/973 permit within which the plan of subdivision must be certified and registered at the titles office. In response to a recent extension of time request, in December 2016 Council granted an extension of one year.

Submissions have raised problems that the layout of land uses proposed by Amendment C142 are inconsistent with the subdivision plan considered as part of YR-2012/973, and

further that if the subdivision is acted on, it will result in a small parcel of land being more intensively developed than would otherwise be allowed in this area of Sherbrooke.

Applicant Response

None

Officer Comment

The proponent has been advised by Council that before the subdivision proceeds further, details of the permit and plans will need to be reconsidered in light of the new layout of land use and development proposed by C142. This includes a need to revisit the required Section 173 Agreement.

Staff Accommodation Building

A number of submissions raised an issue that the location of the Staff Accommodation Building on the boundary with Alfred Nicholas Gardens is inappropriate and will result in tree impacts.

Applicant Response

The revised application information shows this building relocated to a cleared area of the site which is less visible from Sherbrooke Road.

Officer Comment

While the relocation of the building is a positive change, this has positioned the building in an area of the site affected by the Erosion Management Overlay. In order to properly assess this, Council needs information such as a geotechnical report to assess the proposed structure, details of earthworks, retaining walls, and underground services, none of which has been provided.

Among the options available to the applicant are to provide the required geotechnical information to support this siting of the building, to relocate the building outside the Erosion Management Overlay, or remove the Staff Accommodation Building from the proposal.

The Need for Further Planning Approvals

Due to the number of planning controls and the complex nature of the proposal, the C142 proposal does not include all permissions needed. Additional permissions are likely to include:

- Works to enable access through the Alfred Nicholas Gardens in accordance with the applicant's legal agreement with Parks Victoria. The legal agreement contains an appendix which sets out connection points and required works. The Alfred Nicholas Gardens is affected by a Heritage Overlay (HO16). HO16 will require a planning permit for the removal of a section of the chainmail fence between the two properties, the construction of any new fencing, and for the construction of the small pedestrian pathway required by the legal agreement. These matters are considered minor. The planning permit lodged together with Amendment C142 does not seek planning permission for these works.

- Works associated with underground sewerage infrastructure within 2 metres of protected vegetation under Clause 53 of the Yarra Ranges Planning Scheme. Clause 53 broadly defines protected vegetation as either native, or exotic and over 5 metres in height. Specific details have not been provided with C142 on the location of this infrastructure in relation to trees.
- New advertising signage associated with the proposal. It is noted that the applicant's proposed traffic solution includes a need for signage in Sherbrooke Road, however signage details have not been provided with the application.
- Permit for Liquor license from Victorian Commission for Gambling and Liquor regulation.

Submitters were concerned there is too much reliance on additional information to be submitted after the permit is approved, but before buildings and works commence.

Applicant Response

Discussions have been held with Council officers, the CFA, Yarra Valley Water, Heritage Victoria, and others to inform the preparation of amendment materials.

Officer Recommendation

This is always a delicate balance in a planning proposal. The C142 proposal is particularly complex, with numerous interrelating issues. On balance, Council officers consider that the information provided is now sufficient for the proposal to proceed to a planning panel.

Social Impacts

The amendment will facilitate the redevelopment of the Norris Hotel Building. This will restore and re-establish the viable use of a State heritage listed building of architectural and historical value to Victoria.

Economic Impacts

The amendment will provide for more intensive commercial use of the land as a major tourist facility, which will generate employment opportunities in construction, hospitality and tourism. The development of the site will add to and strengthen the attraction of the Dandenong Ranges for tourism purposes.

Risk Assessment

There is no risk associated with this item.

CONCLUSION

The public exhibition of Planning Scheme Amendment C142 and the concurrent planning permit has raised a number of issues that have not been completely resolved. Key among these are fire risk, traffic and parking, tree and landscape impacts. It is therefore considered suitable to request the Minister for Planning to appoint an independent Panel to consider submissions and make a recommendation to Council on the proposal.

ATTACHMENTS

- 1 Exhibited Special Use Zone Schedule 11
- 2 Proposed Site Plan
- 3 Site History
- 4 Summary of Submissions
- 5 Maps and Aerial Image
- 6 Exhibited Explanatory Report

(Attachments to this report are available for viewing separately via Council's website)

7.2 Planning Application YR-2017/603 - 5 Two Bays Crescent, Selby**APPLICATION DETAILS**

Site Address	5 Two Bays Crescent, Selby
Application No.	YR-2017/603
Proposal	Tree Removal
Existing Use	Road reserve under the management of Council
Owner	Yarra Ranges Council
Applicant	Yarra Ranges Council
Zone	PCRZ - Public Conservation and Resource Zone
Overlays	WMO - Bushfire Management Overlay (BMO OR WMO), SLO2 – Significant Landscape Overlay - Schedule 2, EMO - Erosion Management Overlay
Objections	1 (one)
Reason for Council Decision	Called-in by a Councillor
Ward	Lyster

SUMMARY

The application has been made on behalf of Council by the Council's Tree Management Team to remove one tree from the road reserve that adjoins Black Hill Reserve, opposite the property at 12 Two Bays Crescent, in Selby. The request for the removal of the tree was originally made by residents in the area who believe the tree is dangerous following a nearby tree falling which resulted in extensive damage to a property.

While the residents are concerned about the tree and want it removed, Council's Tree Management Team concluded the tree was not dangerous and is structurally sound and of good health and recommended that it not be removed. In accordance with Council's Tree Management Policy, the matter was referred to Council where Council resolved to seek a planning permit for its removal.

The removal of the tree which is a mature *Eucalyptus obliqua* (Messmate) with a height of 26 metres, canopy spread of 14 metres and a diameter at breast height (DBH) of 72cm requires a permit pursuant to Clauses 52.17 (Native Vegetation), 53.01 (Regional Strategy Plan), 42.03 (Significant Landscape Overlay - SLO2) and 44.01 (Erosion Management Overlay) of the Yarra Ranges Planning Scheme.

The application was advertised by way of notices to all adjoining and nearby properties. One objection was received. The objector is of the view that the tree poses no immediate threat (structurally) to neighbouring buildings, leans away from the road and dwelling at No. 12 Two Bays Crescent and should be retained.

When assessed under the relevant provisions of the Yarra Ranges Planning Scheme, the proposed tree removal is not considered to be an appropriate outcome as the tree is structurally sound and appears not to pose a public safety risk beyond any other tree in the area. Accordingly it is recommended that the application be refused.

RECOMMENDATION

That Council resolve to refuse Planning Application YR-2017/603 for Tree Removal at 5 Two Bays Crescent, Selby and issue a Notice of Refusal subject to the grounds in Attachment 2 to the report.

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report does not have a conflict of interest in relation to this report.

SITE LOCATION AND DESCRIPTION

The subject tree is marginally outside the southern boundary of the Black Hill Reserve on a well vegetated road reserve in Two Bays Crescent, Selby opposite No. 12 Two Bays Crescent.

Black Hill Reserve has an area of 1.63 hectares and is predominantly a bush reserve, with no recreational or sporting facilities. The reserve is surrounded by residential development.

Number 12 Two Bays Crescent is a single dwelling and associated outbuildings. The front façade of the dwelling is approximately 20 metres from the trunk of the tree.

SURROUNDING AREA

The surrounding area contains rural residential development with lots ranging from 2,500sqm to 5,000sqm nestled within extensive native vegetation. Black Hill Reserve is one of several bushland reserves in the surrounding area.



HISTORY

Application Number and Decision Date	Nil
VCAT History	Nil
Other History	Nil

BACKGROUND

A residents request to remove the subject tree was considered by Council at its meeting held 13/06/17 where Council resolved to support its removal and directed officers to submit a planning permit application for removal of the tree (Agenda Item 7.10 - 13/06/17).

The report to Council noted that the request for the tree removal was in response to an adjacent tree failing in October 2016 which resulted in significant damage to the property at 12 Two Bays Crescent. In response to the residents request, Council's arborist inspected the subject tree in accordance with Council's Tree Policy and determined that it was healthy and structurally sound. On that basis, retention of the tree was recommended and the request to remove the tree was denied.

Under Council's Tree Policy, when a residents request is not supported by Council officers the matter can be reviewed by Council. In this instance, Council reviewed the request and resolved to support the tree's removal and directed officers lodge a planning permit application to remove the tree.

PROPOSAL

The proposal seeks to remove one *Eucalyptus obliqua* (Messmate). The tree is 26 metres high, has a canopy spread of 14 metres and a diameter at breast height (DBH) of 72cm. Its limbs, trunk and foliage are all rated as 'good' by Council's arborist, and the tree carries an assessed 'moderate' amenity value within the wider landscape.

The tree is located on the road reserve, slightly outside the south boundary of the Black Hill Reserve in Selby and is located opposite No 12 Two Bays Crescent.

As the tree has been assessed as healthy and structurally sound, it is not considered to be a danger to the public and therefore its removal is not exempt under the planning scheme.

PLANNING CONTROLS

Zoning:	Public Conservation and Reserve Zone – Clause 36.03
Overlay:	Significant Landscape Overlay (SLO2) – Clause 42.03 Erosion Management Overlay – Clause 44.01 Bushfire Management Overlay – Clause 44.06
State Planning Policy:	Native Vegetation Management – Clause 12.01-2 Significant Environments and Landscapes – Clause 12.04 Erosion and Landslip – 13.03-2
Local Planning Policy:	Landscape – Clause 21.07 Environment – Clause 21.09 Vegetation Protection – Clause 22.05
Schedule to Clause 53:	Applicable. As the proposed tree removal is indigenous and does not meet the exemptions listed within this Clause for vegetation removal. (An exemption is available for removal of a dangerous tree providing it is assessed as dangerous by an authorised officer of Council)
Other Requirements:	Native Vegetation – Clause 52.17 Design Guidelines – Clause 65 Tree Policy 2016 (adopted by Council)

For further information on the planning controls refer to Attachment 2.

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

The application has been checked against the requirements of the Aboriginal Heritage Act 2006 as to the need for the requirement of a Cultural Heritage Management Plan (CHMP). It has been assessed that a CHMP is not required.

EXTRACTIVE INDUSTRY

The site is not located within 500 metres of an extractive industry.

STAKEHOLDER VIEWS

External Referrals

Authority	Consent/Objection – Summary of Conditions
Nil	

Internal Referrals

Department	Summary of Response
Arborist	Does not support tree removal. The tree is in good health and shows no signs of imminent failure. A neighbouring tree has failed but does not appear to have compromised the root plate of the subject tree. The tree leans away from the road and nearby dwelling.
Environment	Does not support tree removal. The tree: <ul style="list-style-type: none"> • is a substantial specimen of Messmate Stringybark <i>Eucalyptus obliqua</i>, with a DBH of 720mm; • is in excellent health and is not at risk of imminent failure; • contributes to the exceptional habitat values within Black Hills Reserve, which supports many magnificent large old trees forming a continuous canopy across the reserve; • forms part of DELWP Biosite 25 B which is a site of Regional Significance; • has many substantial horizontal branches that would offer multiple quality roosting sites for birds species, especially raptors; • leans away from the dwelling at 12 Two Bays Road, and is therefore highly unlikely to fall towards the dwelling, even in most extreme weather events; • is estimated to be 26m tall, while the distance to the dwelling in question is 24m. In the very unlikely event of the tree tipping out by the roots, there would be approximately 2m of the outermost canopy that might impact the dwelling. This risk could potentially be minimised by careful pruning of the outer canopy to reduce the height of the tree. This will also reduce canopy weight and wind-sail affect which is the primary cause of many tree failings. • The canopy of the tree could be carefully and modestly trimmed to reduce weight to the south side of the tree, and consideration given to reducing the height of the tree by up to 5m.

Objections and Consultation

✓ Mail ✓ Sign ✗ Local Newspaper

Number of Objections: One (1)

There was one objection to the application from a property owner/occupier in the surrounding area. The issues highlighted in the objection are as follows:

- The tree is not exempt from the need of requiring a permit and poses no immediate threat (structurally) to neighbouring buildings and leans away from the road and dwelling at 12 Two Bays Crescent.
- They value the bushland character of the area and it is one of the reasons why they live there. They accept there is always some level of risk associated with trees failing but that should be accepted if you live in this treed environment.
- Whilst the tree is within 30 metres (20.5metres) of the dwelling at 12 Two Bays Crescent, the 10/30 rule doesn't support the need for its removal for bushfire protection purposes.
- Authorised officers of Council recommended that the tree is not dangerous and should not be removed.

ASSESSMENT/ KEY ISSUES

The proposal has been assessed against the applicable State and local policy provisions, the overlay controls and particular provisions, and is not considered to be a satisfactory planning response. The key areas of assessment are contained within Clauses 12 (Environmental and Landscape Values), 22.05 (Vegetation Protection), 42.03 (Significant Landscape Overlay), 44.01 (Erosion Management Overlay), 52.17 (Native Vegetation) and Council's Tree Policy 2016.

The key issues for consideration focus on whether there is a genuine risk to public safety in conjunction with the tree's health and structural integrity, as well as its contribution to the environmental and landscape values of the area.

The rationale for the tree removal is related to the perceived risk following extensive damage done to a property at No. 12 Two Bays Crescent in October 2016 caused by a failed tree in the reserve that was located close to the subject tree.

Council's Tree Management Team has assessed the subject tree and found it to be in good health and is considered to be a low risk under the risk analysis matrix of Council's Tree Policy. They have noted that there is no evidence of failure in the tree's structural integrity, nor any instability in the root plate that might indicate the tree is at risk of tipping from the ground. The tree also leans away from the road and dwelling at 12 Two Bays Crescent.

While the tree's potential risk to public safety, including damage to property is a valid planning consideration, Council's arborists have stated that in their professional opinion the tree is structurally sound and does not present an unacceptable risk to the public. Therefore, there is no arboricultural reason why the tree should be removed.

Council's Environment Department has identified the tree as an important contributor to the environmental values of the area and suggested that the tree could be pruned to reduce the height and density of the canopy.

The submission received to the application also identified that Council's arborists have determined the tree is sound, that there is always some level of risk associated with living in a treed environment and that there appears to be no reason for removing this particular tree.

In the context of the considerations under the Significant Landscape Overlay (Schedule 2), which is a permit trigger for the proposed tree removal, the schedule to the overlay requires the retention of existing pasture and cultivated areas and protection of pockets of remnant vegetation that will ensure the maintenance of the established landscape. The removal of a healthy tree within the road reserve will be contrary to the SLO objectives.

Under the Erosion Management Overlay (EMO), a permit is required for the removal of the tree. There is however no indication that the removal of the tree will have any detrimental impact on landslip issues in the area.

Under the requirements of the Schedule to Clause 53 of the Scheme, a permit is required for the removal of the tree as the various exemptions under the Schedule to the clause do not apply.

Clause 52.17 (Native Vegetation) also sets out decision guidelines for removal of native vegetation. In the event of the removal of the tree, offsets will be required. The roadside supports many large habitat trees that provide a canopy contiguous with the adjacent Black Hill Reserve. All planning permit applications to remove native vegetation are assigned to a risk-based pathway determined by the extent and location of proposed clearing. The risk-based pathway dictates the information required for a planning permit application and the decision guidelines the responsible authority will use to assess the permit application. In response to the decision guidelines for native vegetation removal at Clause 52.17 of the Scheme, the vegetation impacted on site is categorised as 'scattered tree' vegetation. This application triggers the Low Risk-based Pathway due to impacts to remnant vegetation.

In summary the Yarra Ranges Planning Scheme clearly recognises the importance of vegetation and supports retention of native vegetation particularly when it contributes to the broader environmental and landscape setting. In situations where a tree is at risk of causing personal injury or damage to property there are permit exemptions under the scheme to facilitate removal of the tree. In this application these exemptions do not apply as the tree is considered to be structurally sound and not dangerous. While it could be argued that removal of one tree from this location will not significantly impact on the environmental or landscape values of the area, this tree forms an important part of the local and wider Yarra Ranges landscape. In deciding this application the cumulative impact of vegetation removal particularly of large remnant trees should be considered.

CONCLUSION

The analysis of the proposed tree removal has been based on assessments undertaken by Council's Tree Management Team and Council's Environment Officers that conclude the tree presents a low-risk to public safety and it has high environmental values. On this basis, it is considered that there are no planning grounds to remove the tree. The Planning Scheme supports retention of remnant vegetation and also provides for permit exemptions for tree removal where a tree poses an unacceptable risk. Therefore, it is

recommended that the application be refused in accordance with the attached grounds of refusal (refer to Attachment 1).

ATTACHMENTS

- 1 Planning Scheme Provisions
- 2 Grounds of Refusal
- 3 Locality Plan, Advertising & Objector Location
- 4 Proposal of Tree Removal

(Attachments to this report are available for viewing separately via Council's website)

7.3 Disability Advisory Committee Casual Membership

RESPONSIBLE OFFICER Director Social & Economic Development

SUMMARY

The Yarra Ranges Disability Advisory Committee (DAC) continues its important work as an advisory group representing people with disabilities and their carers and families. To ensure balanced representation, a position for an unpaid carer of a person with a disability is required to fill a vacancy that has occurred after a recent resignation. Vanessa McDonald has submitted an expression of interest, which now needs Council's endorsement to appoint Vanessa to the DAC.

RECOMMENDATION

That Council

1. ***Formally appoints the nominated person, Vanessa McDonald as a member of Council's Yarra Ranges Disability Advisory Committee for the remainder of the current term of the committee.***
2. ***Advises the nominee in writing of their appointment to the Disability Advisory Committee.***
3. ***Acknowledge the considerable contribution of the retiring Disability Advisory Committee member Chris Reed and thank him formally for his service to the community over the past 5 years.***

DISCLOSURE OF CONFLICTS OF INTEREST

There are no conflicts of interest for this recommendation.

PROPOSAL

It is proposed that Council considers and supports the membership of Vanessa McDonald to fill the casual vacancy on the DAC. In accordance with the Terms of Reference, appointment to the Committee is to be endorsed by Council.

BACKGROUND

The Terms of Reference were endorsed at the Council Meeting on 23 August 2016. In accordance with the Terms of Reference the committee will consist of up to 12 permanent members plus Councillors (two) and Council staff (two). The membership includes a minimum of two positions available for an unpaid carer of a person with a disability.

Appointing the candidate Vanessa McDonald as a carer representative, will ensure a balanced DAC membership in accordance with the Terms of Reference.

STRATEGIC LINKS

The DAC monitors the achievement of the Equity, Access and Inclusion Strategy and has a direct link to this legislated strategy of Council. The Yarra Ranges Disability Advisory Committee acts in an advisory capacity and assists Council in consultative processes and provides feedback to support Council's decision making on access and inclusion. The work of the DAC also connects directly to the draft 2017 Health and Wellbeing Strategy which promotes inclusive and equitable communities.

CONSULTATION

The nominated member was selected in accordance with the Terms of Reference. The DAC Chair, Cr Len Cox informed the Committee of Vanessa McDonald's nomination at the last DAC meeting on 6 September 2017 and the nomination was unanimously supported by members.

FINANCIAL IMPLICATIONS

There are no direct costs associated with the appointment of this nominee to the DAC. The DAC is supported through the Metro Access Officer and related budget.

KEY ISSUES

The original Expression of Interest process involved advertising for twelve volunteer committee members. All nominated candidates required appointment by Council.

The current vacancy has arisen owing to the resignation of a Carer representative, Chris Reed. Chris was also a member of the inaugural DAC and made a significant contribution to the DAC including advocating with other DAC members, on priority issues developed by the DAC such as affordable housing. Chris Reed's contribution is acknowledged with thanks. Chris brought professionalism, knowledge, insight and political savvy to his role on the DAC and this has been instrumental in forming an effective advisory committee.

The appointment of the new candidate Vanessa will complement the skills and expertise currently within the committee and strengthen the collective ability for informed discussion and debate in support of people with disabilities.

Environmental Impacts

There are no environmental implications for this recommendation.

Social Impacts

The DAC is representative of people with disability, unpaid carers of people with disability and disability service providers. These representatives provide Council with insights into local social impacts and issues for people with disability, their carers and families. The

DAC has positive social impacts for both members and the wider community for example through advocacy, advice to Council on capital projects and through building awareness and skills of the Council.

Economic Impacts

Council's Equity, Access and Inclusion Strategy covers the broad roles and responsibilities of Council as an organisation, a service provider and local government in upholding the rights of all members of the Yarra Ranges community to receive equal access to services and opportunities for active citizenship. This can have economic benefits such as increasing trade and business through facilitating access by all.

Risk Assessment

With a balanced representation of people with disabilities; carer and service providers represented on the DAC, the committee will be able to provide sound advice to Council.

CONCLUSION

The appointment of Vanessa McDonald will ensure a representative DAC membership. Vanessa's knowledge and experience of living in a remote community in the Yarra Ranges as a carer, will be an asset and complement the existing diverse skills of the committee members.

ATTACHMENTS

Nil

7.4 Final Health and Wellbeing Strategy

RESPONSIBLE OFFICER Director Social & Economic Development

SUMMARY

The Public Health and Wellbeing Act 2008 requires Councils to develop a municipal public health and wellbeing plan every four years to outline how Council will “...protect, improve and promote public health and wellbeing”.

The Health and Wellbeing Strategy presented in this report meets requirements that it:

- include data about the health of the community and the determinants of health
- identify evidence-based goals and strategies for creating a local community in which people can achieve maximum health and wellbeing
- involve community members in development, implementation and evaluation.

The final Health and Wellbeing Strategy sets out health priorities and goals that describe the desired future for the communities of Yarra Ranges. It is clear that these health issues will take significant effort, resources and time to change and it is important to leverage the many ways that Council can make a difference. This includes through decisions Council makes, working in partnership with services and communities and evidence informed action.

Community and stakeholder feedback during June and July 2017, added to earlier consultation inputs during the development of the draft. The most recent engagement elicited a range of constructive suggestions from individuals, groups and community organisations that broadly supported the initiatives, priorities and goals in the draft and added value to many aspects of the Strategy. All feedback has been assessed and where relevant incorporated and has helped to hone the document.

Following Council endorsement, the final Strategy will be submitted to the Minister for Health in October 2017. It is proposed the Strategy be launched during this year's Grants Celebration given the connection between the Strategy and Council's grant programs. The Strategy and Yarra Ranges Health Profile will be available as web based resources.

RECOMMENDATION

That Council

1. ***Endorse the 2017-2021 Health and Wellbeing Strategy, prior to it being lodged with the Minister for Health in October 2017.***
2. ***Notes the contribution of the community, partners and key stakeholders in the development of the Strategy.***

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report does not have a conflict of interest.

PROPOSAL

It is proposed that Council notes the inclusion of feedback from the recent community consultation, into the final version of the Strategy (See Attachment One). It is also proposed that Council endorses the final 2017-2021 Health and Wellbeing Strategy, which will then be lodged with the Minister for Health by the due date in October 2017.

BACKGROUND

Yarra Ranges has strengths which are protective of good health, including high levels of community connectedness and volunteering, beautiful natural environments, and potential for economic growth and renewal.

The Yarra Ranges community also experiences the health challenges of most other areas of Australia: diabetes rates are increasing rapidly, obesity rates are also increasing, mental health is reported as poor, and dementia is set to increase dramatically.

Council has an important role in promoting a healthier community and in showing leadership through actions and advocacy which help people to enjoy the best health possible. The Strategy has a strong focus on prevention, and the work that Council and its partners can do to protect people from becoming unwell.

In supporting communities to have increased wellbeing, Council recognises the systemic influences on health related to where and how people live - the social determinants of health. Examples of these influences include having access to education and employment, affordable and appropriate housing, good public transport, clean air and water; and being able to participate in local decision making.

The final Strategy:

- considers the health issues for residents of Yarra Ranges
- examines the evidence about how to improve health
- outlines what Council intends to do over the next four years to support healthier communities across Yarra Ranges.

The Strategy puts forward 17 high level goals for the future we want to see, identifies strategic actions for reaching these goals, and describes how Council can work with its partners and community to create positive change to health and wellbeing. The community consultation was supportive of Council's goals, actions and its partnership approach.

STRATEGIC LINKS

The proposed Health and Wellbeing Strategy aligns with the new Council Plan objectives of Connected and Healthy Communities and Liveable and Resilient Communities and is an

overarching strategy with relevance to the whole of Council's business. It also has alignment with the Municipal Strategic Statement. The link between the Health and Wellbeing Strategy and other of Council's externally-focused strategies and action plans is articulated throughout the strategy e.g. Reconciliation Policy, Equity Access and Inclusion, Environment Strategy and Cultural Policy.

At a state level, this Health and Wellbeing Strategy links to the Victorian Public Health and Wellbeing Plan and the Victorian Health and Wellbeing Outcomes Framework - with the priorities informed by and aligned with, the Outcomes Framework.

The Health and Wellbeing Strategy fulfils a requirement to consider the recommendations of the Royal Commission into Family Violence and the impact of climate change on health. The Strategy also includes Council's prevention, response and recovery roles in community safety and emergency management.

CONSULTATION

A range of consultations contributed to development of the initial draft, including:

- Discussions with Council advisory groups, local service networks, community groups and other key stakeholders
- Shared health planning with local services that also have responsibility for health planning in the Yarra Ranges
- Workshops on key areas such as healthy eating
- Council consultations on community priorities
- Consultations used in developing various Community Plans
- Internal engagement on the emerging health priority areas.

Further consultation, seeking feedback on the draft Strategy, included online consultation; direct distribution to a range of community members, organisations and stakeholders; and meetings and discussions with internal and external stakeholders e.g. the Healesville Service Providers' Network, local residents and community health services.

The online and email feedback was generally positive, indicating that the draft Strategy covered the health and wellbeing issues that individuals and organisations were aware of, and supporting specific priority areas e.g.

"Great to see violence against women and gender inequality a particular focus area".

The Healesville Indigenous Community Services Association, embraced the Closing the Gap initiative, congratulating Council on:

"... capturing our community need so clearly" and stating that "the priorities and goals in the strategy from the Aboriginal perspective will have a considerable positive impact on addressing Aboriginal health issues in the Yarra Ranges."

There was support expressed for the focus in the Strategy on the social determinants of health, and also for the partnership approach which is integral to the Strategy.

Greater emphasis on the concentration of disadvantage and need for support in the outer areas of the municipality was also suggested, and has been incorporated into the final Strategy. The final version also includes more information on Indigenous health issues, highlighting Council's leadership position in this area and the drivers for the major initiative to close the Indigenous health gap.

FINANCIAL IMPLICATIONS

Council has an operational budget for the Health and Wellbeing Strategy. The 2017-18 budget allocation will cover the cost of consultant support to develop the required evaluation plan, work on the three major initiatives, and design of the final Strategy and associated documents. This budget also supports the Health and Wellbeing Advisory Group which oversees the development, implementation and evaluation of the strategy.

KEY ISSUES

The key health issues for Yarra Ranges relate to: mental health, the need to increase nutritious eating and physical activity, a high incidence of chronic disease, limited service access, problematic alcohol and other drug use, and issues such as dementia amongst older residents. Health inequalities are an underlying theme across all of these issues; these are the differences in health between population groups which are largely socio-economic and preventable through appropriate investment to reduce them.

Data relating to the health determinants and health status was used in the development of the Strategy. These determinants include environmental, social, cultural and economic impacts on health.

The draft Strategy has three priority areas:

1. Connected and healthy communities
2. Resilient and liveable communities
3. Equitable and inclusive communities.

It is important to note that the Health and Wellbeing Strategy is a broad and overarching strategic document providing direction for Council work, rather than a comprehensive list of all health-related actions performed by Council. There are many areas of activity where Council's role will be to advocate on community needs or for services that are outside its role. A major role is also to support and facilitate action in partnership. These advocacy, facilitation and partnership roles are referenced in the Strategy.

Environmental Impacts

Under the Climate Change Act 2010, Councils are identified as a decision-maker that must consider climate change during the preparation of municipal public health and wellbeing plans. The Act also requires Councils to consider a range of potential climate change impacts.

Councils are also required to consider greenhouse gas emissions. The Health and Wellbeing Strategy refers to Council's *Adapting to a Changing Climate and Energy Future Strategy*, which incorporates Council actions to reduce greenhouse gas emissions.

The Strategy acknowledges the health risks and impacts related to heatwaves, bushfires, floods and storms. It includes actions to support food security, sustainable community infrastructure, resilient and connected communities, improved public transport, and support for vulnerable community members. The Strategy also references Council's role in community safety and emergency management.

Social Impacts

The Health and Wellbeing Strategy aims to have a positive social impact, including increasing volunteering, supporting a socially and culturally inclusive community, and promoting gender equity to prevent violence against women.

Community consultation has shown that people view the Strategy as supporting a range of positive social impacts, particularly for vulnerable groups including Indigenous residents; women at risk of family violence, and those affected by social determinants of health such as lack of access to affordable housing and nutritious food.

Economic Impacts

The health of the economy is entwined with community health and wellbeing. Whether or not someone has a job, an adequate income and an adequate level of education directly and indirectly affect people's health and wellbeing in a myriad of ways; for example, almost every health risk factor worsens for those on low incomes.

Attention to supporting the local economy therefore will also support better health. Conversely, work to improve people's mental and physical health increases their capacity to work, participate in education and participate in other aspects of the economy.

The final Strategy recognises the role of a strong local economy as one of the determinants of health, and includes a goal related to economic participation and contribution.

Risk Assessment

In developing a comprehensive health and wellbeing strategy, Council makes a commitment to working to maximise community health and wellbeing, so far as this is within its role and capacity. It is therefore important that Council:

- Follow up on its commitment to supporting community health and wellbeing across the priority areas, particularly the three key initiatives.
- Maintain a dialogue with the community and stakeholders regarding actions within the Strategy.
- Work in close partnership with community members, community groups, services and other key stakeholders to implement the Strategy.

- Ensure that its strategic response to health and wellbeing issues is adaptive, incorporating additional community needs and assessing new issues as they arise.

CONCLUSION

The community consultation on the draft Health and Wellbeing Strategy tested the priorities relating to the health issues for Yarra Ranges, and verified alignment with community experience and with service providers' knowledge of community health issues.

The feedback was supportive of the priorities and goals of the Strategy and constructive suggestions were received that enhanced the document. Feedback from the consultation has been used to enhance the final Strategy and more clearly communicate Council's health and wellbeing priorities, goals and areas for action, in order to create a healthier community.

The Strategy provides guidance to many areas of Council on how to promote and facilitate better health across the unique communities of the Yarra Ranges.

The Strategy is presented to Council for formal endorsement prior to being submitted to the Minister for Health as required by legislation in October.

ATTACHMENTS

- 1 Health & Wellbeing Strategy for Endorsement

(Attachments to this report are available for viewing separately via Council's website)

7.5 2018 - 2022 Partnership Program Initiation Report

RESPONSIBLE OFFICER Director Social & Economic Development

SUMMARY

Grant programs help achieve Council's strategic objective of "Connected and Healthy Communities" and Vibrant Economy, Agriculture and Tourism".

This report outlines the proposed 2018 - 2022 *Partnership Grant Program* which will open in October this year. The report considers the:

- Program Guidelines and Criteria
- Budget overview and allocations to each grant stream
- Key findings of consultation with current Partners.

Council makes an important and targeted investment in its communities through the Partnership Grants. The multi-year *Partnership Program* offers key service providers, community and cultural groups the opportunity to seek stable funding for programs that support the Yarra Ranges community and help advance Council's strategic goals.

RECOMMENDATION

That Council endorse the

1. *Partnership Grant program guidelines and criteria, noting the links to Council's strategic goals, and the primary purpose to promote connected and healthy communities in line with the new Council Plan.*
2. *Allocation of program funding across two streams in line with the budget as follows:*
 - (a) *\$262,000 to Connected and Healthy Communities grants*
 - (b) *\$160,000 to Creative Communities grants*
3. *Change to a four year grant cycle.*

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report does not have a conflict of interest.

PROPOSAL

The report seeks Council endorsement of the 2018 - 2022 *Partnership Grant Program*. The budget allocation for the next round of these grants is across two categories:

- \$262,000 to Connected and Healthy Communities grants per annum
- \$160,000 to Creative Communities grants per annum

BACKGROUND

Through *Partnership Grants* Council makes a significant investment in communities across the region. Through this strategic funding and strong relationships the program supports service providers and organisations to build an empowered, vibrant and inclusive Yarra Ranges.

The program also seeks to support regional sector development, build dynamic relationships based on equality and mutual respect, and positively contribute to Council's strategic objectives. This is achieved through inviting community and service providers to work collaboratively with Council to facilitate positive social change while celebrating the diversity and cultural uniqueness of the Yarra Ranges.

The *Partnership Grants Program* runs on a multi-year cycle, providing key Council partners with secure funding.

The program comprises of the following two streams:

- Connected and Healthy Communities - supports organisations to deliver programs and services that align with Council's Health and Wellbeing Strategy.
- Creative Communities - supports community groups to deliver programs and events that enhance local culture, celebrate creativity and contribute to the liveability of Yarra Ranges.

The *Partnership Grants Program* underwent an extensive review process in 2014, and this has instilled greater equity and transparency throughout the application process.

In addition to offering funding, the program seeks to build the capacity of service providers and community organisations. Capacity building opportunities are offered through formal and informal development opportunities, including through Council's free skills building workshops.

The community skill building program runs in parallel with Council's grant programs. This program is informed by feedback from current partners and workshop participants. Examples of training workshops include strategic planning, risk management and building strong partnerships.

STRATEGIC LINKS

Council's strategic objective to create "Connected and Healthy Communities" and "Vibrant Economy, Agriculture and Tourism" is supported by the *Partnership Grants Program*.

The program also directly supports the goals outlined in the draft 2017-2021 Health and Wellbeing Strategy and in the Cultural Policy and Action Plan (see Attachment One).

The criteria for the *Partnership Grants Program* also relate to achieving outcomes in a number of other Council strategies and policies:

- Reconciliation Policy, Equity, Access and Inclusion Strategy, Child and Youth Strategy, Economic Development Strategy, Creative Communities (in development) and the Environment Strategy.

CONSULTATION

The *Partnership Grants Program* is committed to excellence and responding to local needs.

As part of the program approach, designated Council Officers liaise with partner organisations throughout the life of the program to monitor and provide support where required. This regular contact has enabled the program to take feedback and adapt as required. As part of the preparation for the next phase current Partner organisations have been advised of key dates and were surveyed to: gain feedback on the program, articulate key characteristics of a healthy partnership and identify support required in preparing for the next round. Officer feedback and input from across Council has also been sought.

The following key messages were captured from current Partners through the survey:

- Funding stability is crucial - partners highlighted that guaranteed multi-year funding enabled them to engage in long term planning and ultimately work more strategically.
- The value of the program is not just funding, it's also in building stronger connections and collaboration with Council and other organisations. Technical assistance offered by Council Officers through the *Partnerships Program* was also highlighted as valuable.

This report recommends that the duration of the program be extended from the current three years to four.

Information sessions in early October will be part of the 2018 - 2022 *Partnership Grants Program*, with sessions occurring across Yarra Ranges. This approach seeks to ensure current and prospective Partner organisations are sufficiently briefed and supported during the application process.

FINANCIAL IMPLICATIONS

The budget includes the following allocations for the 2018 - 2022 *Partnership Program*:

- \$262,000 Connected and Healthy Communities
- \$160,000 Creative Communities

Funding totalling \$422,000 will be made available through the *Partnership Grants*. Grants are subject to an annual CPI increase at the rate determined by Council's finance team. This allocation is in line with the adopted Council Budget.

KEY ISSUES

The key issues addressed in this report relate to the 2018 - 2022 *Partnership Grants* selection criteria, budget and assessment process. The potential for grants to impact a number of key strategic areas of Council is outlined in the following section.

Environmental Impacts

The program includes criteria for projects that safeguard the environment and engage people with the natural environment.

Social Impacts

The majority of services and programs supported by *Partnership Grants* have social impacts, building community connections and strengthening local communities. Increased social inclusion across two grant categories delivers diverse benefits, from community legal services through to festival development.

Economic Impacts

Grant funded programs can have positive impacts on local economies, with some large events and festivals generating significant income and raising the profile of local areas

Risk Assessment

Risks associated with grant making require consideration of fair and proper processes and record keeping, transparent decision making and adherence to the Local Government Act. Reputational risk to Council would arise if the program was not transparent or was poorly managed.

A key factor for decision making is Council's approach to assessment. The use of two Assessment Panels: the Creative Communities Panel and Healthy and Connected Communities Panel, that are independent and make recommendations to Council is well regarded across Local Government. Panel recommendations will then be brought to Council for endorsement.

The Assessment Panel Process

Assessment Panel Members are selected based on relevant skills and knowledge of grant making. They are also required to sign a conflict of interest form and exclude themselves where there is a perceived or actual conflict of interest. Furthermore, a Terms of Reference will be developed for members, providing an additional layer of transparency and rigour.

Assessment Panel members assess applications independently before attending a panel meeting to develop recommendations for Council. Each panel meets for a day to assess applications. This leads to a final list of projects recommended for Council endorsement. Council will be advised of the final panel membership once it has been confirmed.

CONCLUSION

The *2018 - 2022 Partnership Grants Program* presents an opportunity for Council to fund programs and services that support a connected and healthy Yarra Ranges. The multi-year grants aim to address strategic issues for Yarra Ranges through harnessing the ingenuity, creativity and the commitment of communities and local services and organisations. It also seeks to build sector capacity through the development of robust partnerships.

Governance processes for the grants are designed to ensure transparent and fair decision making and provide confidence in these processes. Capacity building and training will support grant seekers, enhancing their ability to implement successful programs and services.

This report recommends that Council endorse the budget, criteria and guidelines and assessment process for the Partnership Grant Program 2018 - 2022.

ATTACHMENTS

- 1 Partnership Grants - Guidelines

(Attachments to this report are available for viewing separately via Council's website)

CORPORATE SERVICES

No. of Pages – 3

7.6 Review of Delegations Made to Council Staff

RESPONSIBLE OFFICER Acting Director Corporate Services

SUMMARY

Since the Council last reviewed and adopted the Instrument of Delegation from Council to Council Staff on 8 August 2017, a further update has been released by Maddocks.

This inserts a further power from section 19(3) of the *Food Act 1984* (Vic). The Instrument of Delegation to members of Council Staff has been updated accordingly.

Council is therefore requested to adopt the Instrument of Delegation to members of Council staff, as per Attachment 1.

RECOMMENDATION

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the legislation referred to in the attached Instrument of Delegation, Council resolves that

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

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report does not have a conflict of interest.

PROPOSAL

Council is asked to adopt the Instrument of Delegation to Members of Council Staff, as set out in Attachment 1.

BACKGROUND

Section 98(1) of the Local Government Act 1989 provides that a Council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a Council under the Local Government Act 1989 or any other Act, other than certain specified powers.

The current Instrument of Delegation to members of Council staff was approved by Council on 8 August 2017, with this coming into effect the following day when the Common Seal of the Council was affixed.

Council subscribes to the Maddocks Delegations and Authorisations service and the revised Instrument of Delegation has been updated based on the most recent advice provided by Maddocks.

STRATEGIC LINKS

The delegation of Council powers, duties and functions is an administrative exercise.

CONSULTATION

There has been no public consultation undertaken in respect of the recommendations in this report. Relevant staff have been consulted in the preparation of the revised Instrument in order to ensure that appropriate staff have been nominated to act as delegates.

FINANCIAL IMPLICATIONS

The costs to prepare and adopt the Instruments are minimal and will be met within the current departmental budget.

KEY ISSUES

Maddocks have informed Council of a further change to the Instrument of Delegation from Council to Council Staff that affects the powers, duties and functions of Council in respect section 19(3) of the *Food Act 1984* (Vic).

This power is to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process. The power is subject to conditions and limitations, which are set out in the Instrument.

Environmental Impacts

There are no environmental impacts associated with the delegation of powers by Council.

Social Impacts

There are no social impacts associated with the delegation of powers by Council.

Economic Impacts

There are no economic impacts associated with the delegation of powers by Council.

Risk Assessment

The Instrument referred to in this report has been prepared based on current advice provided by Maddocks.

CONCLUSION

The minor amendment made to the Instrument of Delegation ensures it is kept up to date, that Council can continue to comply with its obligations and that the business of Council can be carried out efficiently and in line with both legislation and approved policies.

Council are recommended to adopt the Instrument of Delegation to Members of Council Staff, as set out in Attachment 1.

ATTACHMENTS

- 1 S6 Instrument of Delegation - Council to Staff - September 2017

(Attachments to this report are available for viewing separately via Council's website)

7.7 Appointment of Authorised Officers

RESPONSIBLE OFFICER Acting Director Corporate Services

SUMMARY

The Instrument of Appointment and Authorisation included at Attachment 1 provides for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

The Instrument has been updated to reflect organisational and staff changes since 25 July 2017.

RECOMMENDATION

That Council

1. ***Formally appoint the officers referred to in the Instrument as an authorised officer pursuant to Section 147 (4) of the Planning and Environment Act 1987 and Section 232 of the Local Government Act 1989.***
2. ***Request that the Instrument of Appointment and Authorisation be signed and sealed by the Chief Executive Officer.***
3. ***Note that the instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.***

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report does not have a conflict of interest.

PROPOSAL

It is proposed that the employees listed in this report be appointed as an Authorised Officer pursuant to the above referred legislation to enable them to undertake the duties of office.

BACKGROUND

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

The Instrument of Authorisation by Council under the *Planning and Environment Act 1987* was approved by Council on 25 July 2017 and came into effect the next day when the Common Seal of the Council was affixed.

Officers included in the Instrument of Appointment and Authorisation have been identified in consultation with the Planning Department.

STRATEGIC LINKS

The appointment of authorised officers is an administrative exercise that is provided for in legislation.

CONSULTATION

Consultation has been undertaken with the Planning Department in the preparation of the revised Instrument in order to ensure that appropriate staff are appointed to exercise the powers granted to authorised officers by legislation or a local law.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the appointment of an authorised officer.

KEY ISSUES

The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* has been prepared for Council's consideration based on advice from the Maddocks Authorisations and Delegations Service. The Instrument included at Attachment 1:

- appoints the officers named to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act
- authorises the officers generally to institute proceedings for offences against the Acts and regulations.

Maddocks recommend that the appointment of authorised officers under the *Planning and Environment Act 1987* requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 232 of the *Local Government Act 1989*).

The Instrument of Appointment and Authorisation included at Attachment 1 has been updated to reflect organisational and staff changes since 25 July 2017.

Environmental Impacts

There are no direct environmental impacts associated with the appointment of an authorised officer.

Social Impacts

There are no direct social impacts associated with the appointment of an authorised officer.

Economic Impacts

There are no direct economic impacts associated with the appointment of an authorised officer.

Risk Assessment

Council subscribes to the Maddocks Delegations and Authorisations service. The Instrument referred to in this report has been prepared based on current advice provided by Maddocks.

It is important that the Instrument is properly maintained and that authorised officers be properly appointed.

CONCLUSION

Council should formally appoint the officers listed as an authorised officer pursuant to Section 147 (4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

The Instrument of Appointment and Authorisation document will be signed and sealed by the Chief Executive Officer.

ATTACHMENTS

- 1 Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

(Attachments to this report are available for viewing separately via Council's website)

ENVIRONMENT AND ENGINEERING

No. of Pages – 4

7.8 Tree outside 31 Carroll Street, Woori Yallock

RESPONSIBLE OFFICER	Director Environment & Engineering
---------------------	------------------------------------

SUMMARY

Council has received a request to remove a tree within the nature strip of the road reserve outside 31 Carroll Street, Woori Yallock.

The tree is a planted indigenous specimen and the details are in the attached Arborist Assessment Report.

The tree has been assessed by Council's arborist staff on numerous occasions, with the most recent inspection undertaken on 21 April 2017. The arborist assessment recommends that the tree be retained, following some works which have been completed, as it is considered to be healthy and structurally sound.

The tree has been assessed as low risk, using the risk analysis matrix in Council's Tree Policy.

Council has no recorded Public Liability claims for this property.

Correspondence was sent to 28 properties in proximity to the trees. The letter stated that Council was considering removing the trees and was seeking comment. Four emails and four phone calls were received, all in favour of removing the tree.

The roadside reserve is in a Neighbourhood Residential Zone (NRZ2) and is also subject to Significant Landscape Overlay 22 (SLO22). However, the tree is within 10 metres of the dwelling and therefore the tree is exempt from requiring a planning permit if removal is recommended.

RECOMMENDATION

That the request for removal of the Eucalyptus rubida (Candlebark) tree within the nature strip of the road reserve adjacent to 31 Carroll Street, Woori Yallock is not supported and that the tree be retained.

PROPOSAL

That following an assessment by Council's arborist, it is recommended that Council retain the tree outside 31 Carroll Street, Woori Yallock.

BACKGROUND

Council has received a request to remove a tree within the nature strip of the road reserve outside 31 Carroll Street, Woori Yallock.

The tree is a planted indigenous specimen and the details are in the attached Arborist Assessment Report.

The tree has been assessed by Council's arborist staff on numerous occasions, with the most recent inspection undertaken on 21 April 2017. The arborist assessment recommends that the tree be retained, following some works which have been completed, as it is considered to be healthy and structurally sound.

The tree has been assessed as low risk, using the risk analysis matrix in Council's Tree Policy.

Council has no recorded Public Liability claims for this property.

Correspondence was sent to 28 properties in proximity to the tree. The letter stated that Council was considering removing the trees and was seeking comment. To date, four emails and two phone calls have been received, all in favour of removing the tree

The roadside reserve is in a Neighbourhood Residential Zone (NRZ2) and is also subject to Significant Landscape Overlay 22 (SLO22). However, the tree is within 10 metres of the dwelling and therefore the tree is exempt from requiring a planning permit if removal is recommended.

STRATEGIC LINKS

Yarra Ranges Council manages its tree stock through the principles set out in Council's Tree Policy, adopted 24 May 2016. The Tree Policy has strategic links to a range of Council strategies and frameworks, including:

- *Environment Strategy 2015 – 2025*
- *Risk Management Policy 2013*
- *Risk Management Framework 2013*
- *Municipal Strategic Statement*
- *Green Wedge Management Plan 2010*

CONSULTATION

Correspondence was sent to 28 properties in proximity to the trees. The letter stated that Council was considering removing the trees and was seeking comment. Four emails and four phone calls were received, all in favour of removing the tree.

FINANCIAL IMPLICATIONS

Council's internal Tree Crew would prune or remove the tree if approved. If Council decides to remove the tree the costs will be met through the Tree Management Team's operational budget. If the tree is retained, any ongoing maintenance costs will also be covered by the Tree Management Team's operational budget.

KEY ISSUES

The request for having the tree removed is due to concerns from the resident about the possibility of the tree uprooting and damaging the dwelling and potentially causing injury.

This is a common request from residents, and would have a significant financial and environmental impact if we met all such requests.

Attached is the most recent Arborist Assessment Report which provides a tree location plan, details and photographs of the subject tree.

Council's arborist staff have assessed the tree and recommended that it be retained due to its good health and structure, and environmental and amenity value.

Environmental Impacts

The tree is not part of a habitat corridor and does not have hollows; therefore its environmental value is moderate. However, the tree contributes to the amenity value of the street due to its size.

Social Impacts

It is generally accepted that well treed streets improve the amenity of the neighbourhood.

Economic Impacts

It is generally accepted that well treed streets can have an increase on property values.

Risk Assessment

Council's Coordinator Tree Management Team has assessed the tree and agrees with the 21 April 2017 report that the tree is low risk, following the recent works, using the risk analysis matrix in section 3.5 of Council's 2016 Tree Policy. The risk matrix is based on the method set out by the International Society of Arboriculture.

The Risk management team has checked all claims records and cannot locate any claim for this particular tree.

CONCLUSION

Following an assessment of the tree at 31 Carroll Street, Woori Yallock, by Council's arborist, it is considered that the tree is not dangerous. The tree has significant environmental and amenity value. It is therefore recommended that the tree be retained.

ATTACHMENTS

- 1 31 Carroll Street, Woori Yallock - Arborist Report 1
- 2 31 Carroll Street, Woori Yallock - Arborist Report 2
- 3 31 Carroll Street, Woori Yallock - Arborist Report 3

(Attachments to this report are available for viewing separately via Council's website)

7.9 Solar Saver Scheme Intent to Levy a Special Charge

RESPONSIBLE OFFICER Director Environment & Engineering

SUMMARY

This report recommends Council initiate a Special Charge Scheme under the special charge provisions of the *Local Government Act 1989* for the purposes of defraying expenses relating to the supply and installation of solar energy systems on residential properties participating in the Solar Saver Scheme.

The owners of properties included in the proposed scheme have nominated to participate in the scheme and have signed an agreement based on the quoted cost for the supply and installation of a solar energy system at their property.

The total cost of the works is calculated as \$59,657.13. Council will fund the supply and installation of the systems in the first year of the Special Charge Scheme and recoup the entire cost from affected property owners over a 10 year period.

RECOMMENDATION

That

1. *The affected property owners be advised of Council's intention to declare a special charge ("the special charge") at its meeting on 14 November 2017, for the purpose of defraying expenses associated with proposed Solar Saver Scheme.*
2. *In accordance with Section 163 (3) of the Local Government Act 1989 Council specifies that the special charge:*
 - (a) *Is intended to be declared for the properties in the attached Schedule of Costs per Property.*
 - (b) *Will be assessed and levied as set out in this resolution.*
 - (c) *Will remain in force for the period commencing on 1 July 2018 and concluding on 30 June 2028.*
3. *It is recorded that assessment of the special charge is calculated on the following basis:*
 - (a) *As detailed in the attached Schedule of Costs per Property.*
 - (b) *100% special benefit to property owners involved in the proposed scheme.*
4. *The amount assessed, based on the assessment factors, is set out in the attached Schedule of Costs per Property for the scheme.*
5. *In accordance with section 167 (4) of the Local Government Act 1989, property owners be offered an option to repay their charge as a lump sum payment. For property owners to undertake this option, full payment is to be made by 15 February 2019.*

6. ***Subject to any variation of the scheme under Section 166 of the Local Government Act 1989, the amount to be levied under the scheme exclusive of interest payable under Section 172 of the Local Government Act 1989 will be:***
 - (a) ***In total \$59,657.13 (“the amount to be paid”).***
 - (b) ***On each date specified under Section 167 of the Local Government Act 1989 as being the date on which the whole of rates and charges (other than special rates and charges) is due (“the due date”) the amount represented by the formula: X/Y where X represents the amount to be paid and Y represents the number of due dates during the period which the scheme will remain in force.***
7. ***The Chief Executive Officer be authorised to give public notice of the intention to declare the special charge in accordance with Section 163 (1A) and 223 of the Local Government Act 1989 in The Mail local newspapers and on Council’s Internet Website.***
8. ***If required a consultation meeting comprising the Mayor and/or Deputy Mayor and/or Ward Councillor, be arranged to discuss any submissions received relating to this Special Charge.***
9. ***If submissions are made:***
 - (a) ***Those submissions be considered, and any person (or their representative as specified in their submission) who has requested to be heard in support of his or her submission be heard, by a meeting of Council to be held on 14 November 2017.***
 - (b) ***Those persons making submissions be advised copies of their submissions will be made available at the Council meeting held when their submission is considered.***
10. ***If no submissions are made, the matter be reported to Council at a meeting to be held on 14 November 2017.***
11. ***The Chief Executive Officer be authorised and directed to seek payment of and recover the special charge with any interest thereon.***

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report does not have a conflict of interest.

PROPOSAL

Notify affected property owners of Council’s intent to levy a special charge for the supply and installation of solar energy systems on residential properties participating in the Solar Saver Scheme.

The proposed scheme will provide the following benefits to involved property owners:

- Reduced energy costs.
- Special benefit to property owners involved in the scheme.

BACKGROUND

Council has committed through its *Adapting to a Changing Climate and Energy Future Plan*, not only to reduce emissions, but to support those most vulnerable to climate change impacts and increasing energy costs.

Council is making solar power more accessible to low income households through the Solar Saver Scheme. Solar Savers is a partnership between not for profit greenhouse alliances and local councils, funded by the Victorian Government through a New Energy Jobs Fund grant. It is among the first programs in Australia enabling households to install solar systems and pay them off through a Special Charge Scheme over a 10 year period. The program was promoted to target disability and aged services property owners in receipt of the Municipal Rates Concession discount on their 2017/2018 rates.

The proposal is to implement the Solar Saver Scheme to supply and install solar energy systems on 15 properties throughout Yarra Ranges.

Through an open tender process led by MAV Procurement, a not for profit unit of the Municipal Association of Victoria focused on achieving better procurement outcomes for local government, EnviroGroup (a specialist provider of renewable energy products and systems) was appointed to provide quotes to supply and install the solar energy systems.

Two kilowatt and three kilowatt solar energy systems are available through the program and have been sized to maximise the financial benefits to participating properties. It is estimated that the average participating property will save \$100 in electricity bills over the first year of the program, based on current electricity pricing. After 10 years properties are expected to save in the order of \$400 – \$500 per year on electricity bills (although this will vary from property to property).

To ensure that participating property owners were aware of and agreed to the quoted system, price and the proposed Special Charge Scheme, an agreement between Council and participants was drafted. This agreement has been signed by the owners of each of the 15 properties included in the proposed Special Charge Scheme.

STRATEGIC LINKS

Council has committed through its *Adapting to a Changing Climate and Energy Future Plan*, not only to reduce emissions, but to support those most vulnerable to climate change impacts and increasing energy costs.

CONSULTATION

The Solar Saver Scheme was promoted to target disability and aged services property owners in receipt of the Municipal Rates Concession discount on their 2017/2018 rates. Seventeen properties were inspected and provided with quotations for the supply and installation of solar energy systems. Fifteen property owners have signed agreements to participate in the scheme.

FINANCIAL IMPLICATIONS

Initial Funding

Quotations for the supply and installation of solar energy systems on the 15 selected properties total \$59,657.13. Council will fund the supply and installation in the first year of the Special Charge Scheme and recoup the entire cost from affected property owners over a 10 year period.

Scheme Details

Project Cost	\$59,657.13
Balance to be recovered from property owners	\$59,657.13
Net Council Cost	Nil

Details of the calculation of special benefit and maximum total levy are set out in Attachment 1 – Special Benefit and Maximum Total Levy.

Assessment of the special charge is detailed in Attachment 2 – Schedule of Costs per Property.

Financing Costs

There are no financing costs associated with the scheme. Affected property owners will repay Council the entire cost over a 10 year period.

Period for Which Special Charge Remains in Force

The special charge remains in force for the period commencing 1 July 2018 and concluding on 30 June 2028, or until paid in full.

Date of Payment

A notice pursuant to *Section 167 (3) of the Local Government Act 1989* shall be issued with payment due on 15 February 2019. If a person elects to pay general rates and charges by instalments or any other method available, the special charge will be paid in the same manner.

It is recommended the Chief Executive Officer be authorised and directed to seek payment of and recover the special charge with any interest thereon.

Incentives for Prompt Payment

No incentives will be offered for prompt payment prior to the prescribed date of payment.

Variation

The details and particulars of this special charge shall remain in force unless varied by Council in accordance with the *Local Government Act 1989*.

KEY ISSUES

The purpose of the special charge is to supply and install solar energy systems on properties to reduce energy costs and encourage and increase the use of renewable energy within Yarra Ranges Shire Council.

The proposed works have a natural coherence with the beneficiaries, as the properties proposed to be included in the scheme are receiving solar energy systems to the value of their participation.

Environmental Impacts

This project is consistent with Council's *Adapting to a Changing Climate and Energy Future Plan*. Solar Savers website advises "Australia has some of the best conditions in the world for producing clean energy with solar. Adding solar to your home has many environmental benefits:

- Reducing the amount of electricity, and pollution, from coal or gas.
- Reducing greenhouse gas emissions.
- Reducing demand for electricity during peak periods."

Social Impacts

Council has committed not only to reduce emissions, but via the *Health and Wellbeing Strategy* aims to support those most vulnerable to climate change impacts and increasing energy costs. This project was specifically aimed at pensioner households, who are more vulnerable to increasing energy costs.

Economic Impacts

It is estimated that the average participating household will save \$100 on their electricity bills over the first year, based on current electricity pricing. After 10 years household savings are estimated to be in the range of \$400 - \$500 per year. These savings represent potential funds that can be spent within the Yarra Ranges Council community rather than on utility bills.

The Solar Saver Scheme aims include:

- Building capability and capacity within Victorian councils to use Special Charge Schemes to provide a stable underpinning finance model.
- Stimulating private sector investment within a community sector traditionally viewed as high risk to investors.
- Addressing market failures restricting low income and vulnerable households from installing solar systems.

In the future this program has the potential to be rolled out Australia-wide creating many more solar installation opportunities for the solar industry, resulting in greater demand/jobs for that industry.

Risk Assessment

Council will fund the supply and installation of the solar energy systems in the first year of the Special Charge Scheme and recoup the entire cost from affected property owners over a 10 year period. If the proposed scheme does not proceed, no unacceptable or unmanageable risk would be experienced by Council.

FURTHER CONSULTATION***Public Notice***

Council is required to publish a public notice, a copy of which must be sent to each person who will be liable to pay the special charge, within three working days of the day on which the public notice is published. The public notice must state which persons have a right to object to the proposed declaration, and how those persons may object. Objections in writing must be lodged with the Council within 28 days of the day on which the public notice is published.

In addition the public notice must contain an outline of the proposed declaration, set out the date on which it is proposed to make the declaration and advise that copies of the proposed declaration are available for inspection at the Council's office for at least 28 days after the publication of the notice.

It is recommended that Council authorise the publication of this statutory notice in The Mail local newspapers and on Council's Internet Website.

Submissions

Council or a Committee of Council is required to consider any written submissions. These submissions should be received by Council by a date specified in the notice which is not less than 28 days after the publication of the above notice.

Persons making a written submission to Council are entitled to request to appear before Council or the Committee to be heard in support of their written submission or be represented by a person specified in their submission.

It is recommended that a Consultation Meeting comprising the Mayor and/or Deputy Mayor and/or Ward Councillor, be arranged to discuss any submissions received relating to this Special Charge. Following this consultation meeting the normal process for submitters presenting to Council will apply.

It is recommended that persons making a written submission to Council be advised that:

- Submissions will be considered, and any person (or their representative as specified in their submission) who has requested to be heard in support of his or her submission be heard, by a meeting of Council to be held on 14 November 2017.
- Copies of submissions (including submitter's names and addresses) will be made available at the Council meeting when their submissions are considered.

It is recommended that Council consider any written submissions received on or before 4.00 pm on 31 October 2017, at a meeting of Council to be held on 14 November 2017 at the Yarra Ranges Council Office, 15 Anderson Street, Lilydale.

CONCLUSION

It is therefore recommended that Council advise affected property owners of its intention to declare a special charge for the Solar Saver Special Charge Scheme in accordance with the provisions of the *Local Government Act 1989*.

ATTACHMENTS

- 1 Special Benefit and Maximum Total Levy
- 2 Schedule of Costs per Property

Solar Saver Scheme

Calculation of Special Benefit and Maximum Total Levy

In accordance with Section 163 (2) of the Local Government Act and Ministerial Guidelines prepared relating to special rates and charges, Council is required to give consideration to special benefit received from properties external to the proposed special charge as compared to those that will be liable for the special charge.

Property owners involved in the scheme are not to be charged more than their proportional benefit for the proposed works (Maximum Total Levy).

The Maximum Total Levy equates to the product of the Benefit Ratio (R) and total cost of the works for which the special charge is being established.

Council is required to establish a Benefit Ratio calculated as follows:

$$\frac{\text{TSB (in)}}{\text{TSB (in)} + \text{TSB (out)} + \text{TCB}} = R$$

TSB (in) - is the estimated total special benefit for those properties that the Council proposes to include in the scheme.

TSB (out) - is the estimated total special benefit for those properties with an identified special benefit that the Council does not propose to include in the scheme.

TCB - is the estimated total community benefit.

R - is the benefit ratio.

Properties included in the scheme - TSB (in)

It is proposed to include 15 properties within the scheme. The criteria considered appropriate for differentiating between special benefit received by these properties compared to properties not included in the scheme and the broader community are as follows:

- works will reduce energy costs for properties involved in the Solar Saver Scheme.

TSB (in) is therefore calculated as having a result of 15.

Properties not included in the scheme receiving special benefit - TSB (out)

There are no other properties with an identified special benefit that Council does not propose to include in the scheme.

TSB (out) is therefore calculated as having a result of 0.

ATTACHMENT 1. Special Benefit and Maximum Total LevyCommunity benefits – TCB

As there are no properties with an identified special benefit that the Council does not propose to include in the scheme TCB is calculated as having a result of 0.

Maximum Total Levy

Having regard to "properties not included in the scheme receiving special benefit" and "community benefits", it is considered that the 15 properties within the proposed special charge will receive 100 percent of the overall benefit as a Benefit Ratio (R) for the proposed scheme by applying the above factors to the Ministerial Guidelines formula.

The calculation of the Maximum Total Levy therefore equates to \$59,657.13 (cost of Scheme works).

Having regard to Council's contribution towards the works, as per the Scheme Details, Council will not be seeking to levy more than the Maximum Total Levy, as required by section 163 (2A) of the Act.

Manner of assessment and levy

Pursuant to Council's Special Charge Scheme Policy the manner of assessment will take into account the following criteria:

- Properties involved in the proposed scheme.

The basis of apportionment has been formulated in accordance with Council's Special Rates and Charges Policy as follows:

- Special benefit to property owners of properties involved in the proposed scheme.

The special charge will be levied against each of the properties involved in the Solar Saver Special Charge Scheme as tabled.

As the properties have all received individual quotations based on the solar system and work required, it is proposed to apportion the costs based on these quotes. It is noted that the property owners have been notified and signed agreements on the basis of these costs for the purpose of declaring this scheme.

It is proposed to distribute the costs as shown in Attachment 2

The special charge will be levied by serving on each person liable, a notice pursuant to Section 163 (5) of the Local Government Act 1989.

ATTACHMENT 2. Schedule of Costs per Property

Solar Saver Scheme
Proposed Special Charge Scheme

Description	Property Address	Suburb	Assessment No.	Charge for The Works	Yearly Charge
Lot 22 LP118557 Sec 3	6 Mattea Court	LILYDALE VIC 3140	4759	\$3,548.01	\$354.80
Lot 43 LP11275 Ca PT	37 Bailey Road	MOUNT EVELYN VIC 3796	7774	\$3,330.74	\$333.07
Lot 12 LP5889 Sec Z C	3 Erith Lane	KALORAMA VIC 3766	17986	\$4,107.09	\$410.71
Lot 437 LP57800 Ca PT	12 Carawa Street	MOOROOLBARK VIC 3138	24867	\$3,120.29	\$312.03
Part Lot 1 LP70140 Ca	104 Badger Creek Road	HEALESVILLE VIC 3777	39830	\$4,569.09	\$456.91
Lot 1 LP91045 Ca 9-12	2 George Road	HEALESVILLE VIC 3777	40349	\$3,470.74	\$347.07
Sec B Ca 12PT PGrace	1104 Healesville-Koo Wee Rup Rd	WOORI YALLOCK VIC 3139	43614	\$4,685.45	\$468.55
Lot 42A PS349649 PW	5 Boronia Road	WARBURTON VIC 3799	44358	\$4,219.09	\$421.91
PC375264 Ca PT8 PW	17 Moore Crescent	MILLGROVE VIC 3799	45946	\$3,571.65	\$357.17
Lot 131 LP87405 Ca PT	50 Symes Road	WOORI YALLOCK VIC 3139	51347	\$4,628.59	\$462.86
Lot 5 LP89879 Ca PT6	90 Glenara Road	HODDLES CREEK VIC 3139	51622	\$4,025.27	\$402.53
Sec G Ca PT 36 PMont	10 Braeside Avenue	SHERBROOKE VIC 3789	56013	\$5,311.41	\$531.14
Lot 2 PS437615 Ca PT	1A MacGregor Court	MOUNT EVELYN VIC 3796	80959	\$3,295.29	\$329.53
Lot 2 PS536729 Ca PT	29A Hereford Road	MOUNT EVELYN VIC 3796	84662	\$4,517.77	\$451.78
Lot 1 PS630812 Ca PT	1 Autumn Way	KILSYTH VIC 3137	88333	\$3,256.65	\$325.67
			Total	\$59,657.13	\$5,965.71

6/09/2017

7.10 Contract No CT5414 (Fire Slashing Services - Group 1, Areas 1 to 5 and Group 2)

RESPONSIBLE OFFICER Director Environment & Engineering

SUMMARY

This project is for annual fire slashing of Council managed roadsides and fire access tracks (Group 1, Areas 1 to 5) and annual fire slashing and brush cutting of Council managed reserves and other land lots (Group 2). The initial contract term is for 3 years with 3 periods of 1 year extensions for a full contract term of 6 years.

An advertisement calling for tenders was placed in The Age newspaper on Saturday July 15, 2017. Tenders closed on Wednesday August 9, 2017 and 5 submissions were received. The evaluation panel recommends the following tenders as per the below table:

Area	Recommended Tenderers
Group 1 Area 1	I & P Yeoman Slashing Pty Ltd
Group 1 Area 2	I & P Yeoman Slashing Pty Ltd
Group 1 Area 3	Bells Civil Excavations Pty Ltd
Group 1 Area 4	Fern Earthmoving Pty Ltd
Group 1 Area 5	Fern Earthmoving Pty Ltd
Group 2	Yarra Ranges Fire Management Pty Ltd

These contracts combined have an initial contract value of \$2,640,323.61 exclusive of GST (\$2,904,355.97 inclusive of GST). This is based on a combined first year lump sum amount of \$867,356 exclusive of GST (\$954,091.60 inclusive of GST). The total value of this contract for 6 years is estimated to be \$5,400,958.66 exclusive of GST (\$5,941,054.52 inclusive of GST), and inclusive of all possible extension options and assumes a fixed Consumer Price Index increase of 2% and a Fuel Index decrease of 2.17%.

This item has been included in the public agenda to facilitate openness and transparency in Council's decision making. A confidential attachment has been included with the report which contains commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

The recommendation in this report has been formally endorsed by the evaluation panel.

RECOMMENDATION

That

- Council awards the tender from I & P Yeoman Slashing Pty Ltd (Group 1 Areas 1 & 2); Bells Civil Excavations Pty Ltd (Group 1 Area 3); Fern Earthmoving Pty Ltd (Group 1 Areas 4 & 5) and Yarra Ranges Fire Management (Group 2) for CT5414 Fire Slashing Services for an initial 3 year contract term, with a combined first year lump sum price of \$867,356 exclusive of GST; and a total estimated lump sum price for the full contract term of 6 years of \$5,400,958.66 exclusive GST (\$5,941,054.52 inclusive of GST and all extension options).***

2. *The Director of Environment and Engineering be delegated authority to extend the contract term by up to three (3) periods of one (1) year each for each contract on the terms set out in the original contract.*
3. *The contract documents be signed.*
4. *The confidential attachment to this report remain confidential indefinitely as it relates to matters specified under section 89(2)(d) of the Local Government Act 1989.*

DECLARATION OF CONFLICT OF INTEREST

All members of the tender evaluation panel signed a conflict of interest declaration. None of the members declared any actual, perceived or potential conflict of interest.

PROPOSAL

Seek Council approval to enter into a new contract for Fire Slashing Services.

BACKGROUND

The Yarra Ranges Fire Slashing Services program is an annual fire management program for Council managed roadsides and reserves. This program is complex and has been developed over many years. Given the high fire risk and limited access in many areas of the Shire, the program delivers best practice to address risk associated with 'point of ignition' and 'potential for spread' of bushfire to the landscape.

This program comprises 854 Council managed roads, 145 of which were recently added equating to a scope increase of 17% for this tender.

STRATEGIC LINKS

By recommending suppliers that present a best value outcome, this report supports Council's strategy for long term financial sustainability.

CONSULTATION

Over the last 5 years, the Fire Slashing Services program has been comprehensively reviewed with reference to the outcomes of the 2010 Bushfires Royal Commission and the Victorian Fire Risk Register (VFRR). As a result, all roads in the program have been assessed and appropriate slashing treatments applied. The establishment of Neighbourhood Safer Places (NSP) and Fire Refuges also influenced program review. Program assessment tools and the rationale applied was explained to and endorsed by Regional Officers and Vegetation Management Officers from the Country Fire Authority (CFA) Region Offices in Yarra Ranges.

FINANCIAL IMPLICATIONS

An amount of up to \$870,000 (exclusive of GST) is available within the Parks & Bushlands – Bushfire Preparedness program (Cost Centre 910003.2285) to contribute to this contract for the 2017/2018 financial year. Future funding from this Cost Centre is available for the remainder of this contract through forecasted operational budgets.

The combined first year lump sum price for the proposed contract is \$867,356 exclusive of GST and this is within the available budget.

Projected annual contract costs, exclusive of GST and assuming a fixed Consumer Price Index increase of 2% and a Fuel Index decrease of 2.17% are summarised in the following table:

Contract Year	Projected Cost (ex. GST)
1	\$867,356.00
2	\$879,986.36
3	\$892,981.25
4 – Extension Option	\$906,345.71
5 – Extension Option	\$920,084.97
6 – Extension Option	\$934,204.37
Total Cost (ex. GST)	\$5,400,958.66

Please refer to Attachment 1 for tender financial analysis.

KEY ISSUES

This tender process has been carried out in accordance with the requirements of Council's Procurement Policy.

Tenders were assessed for conformity with the tender documents and no tenders were eliminated from further evaluation as a result of major non conformances. A summary of non conforming tender submissions is contained within the confidential attachment to this report.

The evaluation panel scored the tenders against the pre-established evaluation criteria, as published in the tender document. A summary of the evaluation criteria follows:

Selection Criteria	Weighting
Price	N/A
Capability/Capacity	40%
Quality/Sustainability	20%
Services Program	20%
TOTAL Qualitative	80%
Best Value Index (Total Qualitative Score / Price) [^]	

[^] multiplied by a factor of 1,000,000

Confidential information is contained in Attachment 1. This information relates to contractual matters and contains commercially sensitive information including, but not limited to, the name of tendering parties, the evaluation panel members, the tendered prices and the evaluation of the tenders received against the published evaluation criteria.

Any disclosure of the information included within the confidential attachment to this report could be prejudicial to the interests of the Council or other parties. If discussion of this information is required, the Council is recommended to resolve that the item be deferred to the confidential section of the agenda when the meeting is closed to members of the public in accordance with Section 89(2) of the Local Government Act 1989.

This report seeks Council approval to award a contract that complies with the Section 186 of the Local Government Act 1989.

Environmental Impacts

This has been considered as part of the project specification and evaluation process.

Social Impacts

Local and social sustainability was considered as part of the evaluation process and was weighted 20% of the overall qualitative evaluation.

A summary of the recommended tenderers response to local and social sustainability is summarised as per the following table:

Recommended Tenderer	Business Located Within Yarra Ranges Shire	Number of Staff Employed that Reside Within Yarra Ranges Shire
Bells Civil Excavations Pty Ltd	Yes	12
Fern Earthmoving Pty Ltd	Yes	11
I & P Yeoman Slashing Pty Ltd	Yes	8
Yarra Ranges Fire Management Pty Ltd	Yes	10

Economic Impacts

A summary of the recommended tenderers economic commitment is summarised as per the following table:

Recommended Tenderer	Anticipated Percentage of Goods, Services and Materials Required for this Contract to be Sourced Within Yarra Ranges Shire
Bells Civil Excavations Pty Ltd	100%
Fern Earthmoving Pty Ltd	100%
I & P Yeoman Slashing Pty Ltd	98%
Yarra Ranges Fire Management Pty Ltd	100%

Risk Assessment

This has been considered as part of the project design, contract terms and conditions and the evaluation process.

CONCLUSION

That Council adopts the recommendations within this report.

ATTACHMENTS

- 1 CT5414 Fire Slashing Services Confidential Report (*Confidential*)

7.11 Sale of 13 Leith Rd, Montrose

RESPONSIBLE OFFICER	Director Environment & Engineering
---------------------	------------------------------------

SUMMARY

Following Council's resolution of 28 March, 2017 to sell the former Japara House property at 13 Leith Rd by an Expression of Interest process, officers engaged an agent to market the property and distribute Expression of Interest documentation.

Following the conclusion of the five week marketing campaign and Expression of Interest period and subsequent evaluation of submissions received, officers now recommend that Council accept the offer of Ms. Hillbrick and de Witt (the proponents) to purchase the premises.

The proponents' submission proposes to retain and transform the existing building into a tea-rooms/cafe and event space, similar in style to their existing business premises, 'Mary Eats Cake' in Sydney Road, Brunswick. The financial offer exceeds the independent valuation obtained pursuant to s189 of the *Local Government Act 1989*, and is viewed by officers to be a fair and reasonable return for the property.

Having assessed the proposal against the selection criteria, and considering that the proposal adequately meets Council's requirements in relation to financial offer, community benefit, proposed use and experience, officers recommend that Council accepts the offer from Ms. Hillbrick and de Witt and proceeds to formalising the sale through the signing of contracts.

RECOMMENDATION

That Council, having undertaken an Expression of Interest process to sell its property at 13 Leith Road, Montrose and having evaluated Expressions of Interest submissions received

- 1. Accept the offer from Ms. Hillbrick and de Witt to purchase the property***
- 2. Proceed with the preparation of contract and transfer documents to effect the sale***
- 3. Sign and seal all documents in relation to the sale***
- 4. The confidential attachment to this report remain confidential indefinitely as it relates to matters specified under section 89(2)(d) of the Local Government Act 1989.***

DISCLOSURE OF CONFLICTS OF INTEREST

There are no conflicts of interest to be declared in relation to this issue.

PROPOSAL

It is proposed that Council accept the offer from Mses. Hillbrick and de Witt to purchase Council's property at 13 Leith Rd, Montrose, and to proceed with the preparation of contracts to effect the sale.

BACKGROUND

Following Council's resolution on 28 March 2017 to sell the property by Expression of Interest process, Council enlisted Professionals-Methven Real Estate (Mooroolbark) to market the property and distribute Expression of Interest documentation.

The Expression of Interest marketing period ran for five weeks, commencing on Monday 10th July and closing on Friday 14th August.

The primary assessment criteria for the Expression of Interest were:

- The commercial terms of the sale,
- The community benefit to be realised,
- Proposed use of the site; and,
- Experience in delivering such developments.

At the conclusion of the Expression of Interest period, officers evaluated submissions received against key assessment criteria. Officers now recommend that Council accept the offer received from Mses. Hillbrick and de Witt (the proponents).

The commercial terms of that offer are shown in Confidential Attachment 1.

The Offer/Proposal

The proponents propose to retain and renovate the existing building for use as a tea house where customers can enjoy high tea, light meals and beverages in a family based atmosphere. In addition, they aim to provide private function space specialising in birthdays and bridal and baby showers, and offer workshops on cooking education, cake decorating tea education and tea blending.

Proposed renovations to the building include the installation of a commercial kitchen and cosmetic improvements to create tea room spaces. Minor outdoor works would include painting and fresh landscaping.

The proponents' proposal claims to deliver local community benefit by providing jobs for the local community, with kitchen and hospitality staff required for the new premises, and the use of produce sourced locally to support local business. The proponents also aim to become a destination hotspot for guests on the tourist trail, supporting the area to be known as a boutique spot to shop through increased traffic and media exposure.

It is proposed that, pending any necessary planning applications and subsequent fit-out works, the business could be trading by February 2018.

The Proponents

The proponents currently own and run a business in Sydney Road, Brunswick under the name Mary Eats Cake, which specialises in artisan teas and high tea experiences. They aim to bring their high-tea concept out to Montrose and see the former Japara building as an excellent opportunity to expand their business.

The proponents have extensive culinary and business experience, including qualification and experience as a French pastry chef (including experience in Michelin Starred restaurants), and qualifications and experience as a Tea Sommelier (including being a board member of Australasian Tea Association). Both have solid experience running successful small hospitality businesses, including their current venture Mary Eats Cake, and are current members of the Committee of Management of the Sydney Road Brunswick Association.

Evaluation of the Proponents' Submission

Commercial terms	The price offered exceeds the independent valuation received by Council and is viewed by officers as a fair and reasonable return for the property.
Community benefit	<p>The proposal, being a café style commercial enterprise could be considered to be relatively light on the delivery of real community benefit in comparison to some other community enterprises. However, the proponents assert that their business would benefit the local community through:</p> <ul style="list-style-type: none"> • Local employment through the need for kitchen and wait staff; and • The use of local produce to be obtained from local traders <p>The proponents have proved themselves to be locally focussed and community minded as demonstrated by their being on the board of the Sydney Road Traders Association.</p> <p>Overall, officers are satisfied that the community will derive benefit from this proposal.</p>
Proposed use	<p>The proposed use as a tea-rooms and function space is not in conflict with the adjacent primary school or other businesses nearby. The retention and improvement of the existing building could be seen by some to be a more favourable result than an alternative proposal to demolish and redevelop the site.</p> <p>Officers view the proposed use as being complimentary to Montrose's picturesque foothills surroundings, and that it would not have any negative impact to its surroundings.</p>
Experience in delivering such development	The proponents are suitably qualified in their fields and have experience running the type of business proposed for the site. The fact that the existing building would be retained, and that only renovation and fit-out works are proposed, mean that this development, and the proponents relative lack of experience delivering such renovation projects, could be considered relatively low risk to Council.

STRATEGIC LINKS

Council's sale of land and Expression of Interest procedures are undertaken in accordance with sections 189 and 223 of the *Local Government Act 1989*, Council's *Sale of Land Policy*, and the *Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land*.

CONSULTATION

The marketing process was an open, public process undertaken by Professionals Methven Real Estate (Mooroolbark). 'For sale' boards were displayed on both street frontages and the property was advertised on Realcommercial.com.au, the agent's website, and throughout their various marketing channels.

Statutory and non-statutory community consultation processes were undertaken by Council prior to Council's resolution on 28 March to sell the property.

FINANCIAL IMPLICATIONS

The proponents' financial offer for the property exceeds the valuation obtained by Council pursuant to s189 of the *Local Government Act 1989*, and is viewed by officers to be a fair and reasonable return for the property.

The commercial terms of the offer are shown as Attachment 1 to this report, which is deemed confidential due to it containing financial information pertaining to a contract yet to be executed.

Proceeds from the sale the property will offset the previous construction of the Japara Living and Learning Centre in Durham Road, Kilsyth and therefore will be returned to the Future Community Projects allocation in the Capital Expenditure Program for allocation towards future projects that are endorsed by Council.

KEY ISSUES

Environmental Impacts

There are no particular environmental impacts identified in relation to this issue.

Social Impacts

The proponents indicated as part of their Expression of Interest submission that their business would generate local employment through kitchen and wait staff required to operate the business.

Economic Impacts

The proponents intend to support local traders by utilising local produce where available.

Risk Assessment

There are no particular risks identified in relation to this issue.

CONCLUSION

Having evaluated Expression of Interest submissions received, officers recommend that Council accept the offer received from Mses. Hillbrick and de Witt, and proceed to prepare documentation to effect the sale.

While the proposal could be seen to provide relatively limited community service or benefit in comparison to some other community enterprises, its strong commercial offer and proposal to retain, renovate and enhance the existing Japara building, provide employment to the local community, and support local business through increased visitor traffic and sourcing local produce, represents an excellent outcome for the site.

ATTACHMENTS

- 1 Commercial Terms of Proponents' Offer (*Confidential*)

8. COUNCILLOR MOTIONS

In accordance with Clauses 71 & 72 of Meeting Procedures and Use of Common Seal Local Law 2015

There were no Councillor motions received for this meeting.

9. ITEMS RAISED THROUGH THE CHAIR

In accordance with Clause 80 of Meeting Procedures and Use of Common Seal Local Law 2015

10. PETITIONS

In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2015

There were no petitions received prior to the agenda print.

11. DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 80 of Meeting Procedures and Use of Common Seal Local Law 2015

There were no documents for signing and sealing received prior to the agenda print.

12. ASSEMBLIES OF COUNCILLORS

The Local Government Act 1989 requires that records of Assemblies of Councillors must be kept which list the Councillors attending, the matter discussed, disclosures of conflict of interest and whether or not a Councillor left the meeting after making a disclosure.

An 'Assembly of Councillors' is defined under s3(1) of the *Local Government Act 1989* as a meeting at which matters are considered that are intended or likely to be the subject of a Council Decision or the exercise of a delegated authority and which is either of the following

- A meeting of an advisory committee where at least one Councillor is present.
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer.

The *Local Government Act 1989* also requires that the record of an assembly must be reported to the next practicable ordinary Council Meeting and recorded in the minutes of that meeting. The records for Assemblies of Councillors are attached to the report.

RECOMMENDATION

That the following records of the Assemblies of Councillors, copies of which are attached to the report, be received and noted

- 1. 05 September 2017 - Council Briefing***
- 2. 05 September 2017 - Forum Meeting***
- 3. 06 September 2017 - Disability Advisory Committee (DAC) Meeting***

Assembly of Councillors

Public Record



Meeting Name:	Council Briefing		
Date:	5 September 2017	Start Time: 6:00pm	Finish Time: 6.44pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale		
Attendees:	Councillors: Terry Avery, Noel Cliff, Len Cox, Jim Child, Mike Clarke, Tim Heenan, Richard Higgins, Fiona McAllister & Tony Stevenson CEO/Directors: Glenn Patterson, Troy Edwards, Mark Varmalis & Ali Wastie Officers: Shannon Woodward, Manjusha Pitty, Nick Wilkinson, Ben Page, Ben Champion		
Apologies			
Declarations of Interest:	Nil		
Matter/s Discussed:	7.1	Planning Application YR-2016/769 - 32 Reay Road, Mooroolbark	
	7.2	Planning Application YR-2017/195 - 650 Skyline Rd, Yarra Glen	
	7.3	Planning Scheme Amendment to Update Flood Overlays	
	7.4	Contract Summary Report for 1 January 2017 to 30 June 2017	
	7.5	Mount Evelyn Recreation Reserve Master Plan	
	7.6	Sale 1632 Burwood Hwy Belgrave and 13 Market St Lilydale	
	7.7	Lease to Eastern Sports Development Ltd	
	7.8	Discontinuance Part Vuegrande Rise Montrose	
	14.1	Infrastructure Maintenance Services Contract Development	
Completed By:	Shannon Woodward		

Assembly of Councillors

Public Record



Meeting Name:	Forum		
Date:	5 September 2017	Start Time: 7:14pm	Finish Time: 9:15pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale		
Attendees:	Councillors: Terry Avery, Jim Child, Mike Clarke, Noel Cliff, Len Cox, Tim Heenan, Richard Higgins, Fiona McAllister & Tony Stevenson CEO/Directors: Glenn Patterson, Mark Varmalis, Ali Wastie & Troy Edwards Officers: Isha Scott, Greg Box, Jane Sinnamon, Peter Smith, Terry Jenvey, Corinne Bowen, Lisa Keedle, Tracey Varley & Shannon Woodward		
Apologies	Nil		
Declarations of Interest:	Nil		
Matter/s Discussed:	1.1	Action & Agreement Record - 15 August 2017	
	1.3	2018 - 2022 Partnership Program Initiation Report	
	1.4	Extended Capital Works Program	
	1.5	Council Liability, Insurance and Claims Management	
	1.6	Jayco Herald Sun Tour - Yarra Valley 2018	
	1.7	MAV State Council Motions	
	3.1	Major Projects Monthly Report end July 2017	
	3.2	Monthly Reports of Outstanding Council Actions	
	3.3	Indicative Forum & Council Schedule	
	3.4	Mayor & CEO Updates	
Completed By:	Shannon Woodward		

Assembly of Councillors

Public Record



Meeting Name:	Yarra Ranges Disability Advisory Committee	
Date:	6 September 2017	Start Time: 1.30pm Finish Time: 3.30pm
Venue:	Japara Living and Learning Centre, Kilsyth	
Attendees:	Councillors: Cr Len Cox, Other Attendees: June Smith, Cliff Wise, Amanda Davern, Anthea Forbes, James Wood, Julia Russell, Adriana Mendoza, Hilary and Rod Mellis Officers: Isha Scott, Amanda May, Karen Meuleman, Simone Marais,	
Apologies	Cr Higgins, Michelle McDonald, Penny Kendall, Bron Jones	
Declarations of Interest	None	
Matter/s Discussed:	1.1	Introductions
	1.2	Acceptance of minutes
	1.3	Creative Communities seeking feedback from the DAC on Council's Creative Communities Strategy
	1.4	Feedback on NDIS and General practitioners
	1.5	Update on the NDIS and Mental Health Forums to be held in September.
	1.6	Nomination of Casual vacancy position for DAC
	1.7	NDIS and MetroAccess update
	1.8	Member updates
Completed By:	Amanda May	

13. REPORTS FROM DELEGATES

In accordance with Clause 30 of Meeting Procedures and Use of Common Seal Local Law 2015

14. CONFIDENTIAL ITEMS

In accordance with section 89(2) of the Local Government Act 1989

RECOMMENDATION

That in accordance with section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 89(2), as specified below.

14.1 CEO Remuneration Review

Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (a) personnel matters.

15. DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Tuesday 10 October 2017 commencing at 7:00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale.

16. CLOSED COUNCIL



In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 1989 and the Code of Conduct for Councillors.

When attending a Council Meeting, Councillors should adhere to the procedures set out in the Meeting Procedures and Use of Common Seal Local Law.

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

- 1. Councillors will respect the personal views of other Councillors and the decisions of Council.*
- 2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.*
- 3. The Mayor is the official spokesperson for Council.*
- 4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.*
- 5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.*
- 6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.*
- 7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.*
- 8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.*

***This guidance forms part of the [Code of Conduct for Councillors, adopted on 14 February 2017](#).
The Code of Conduct is reviewed following each Council Election.***