ORDINARY COUNCIL MEETING

TUESDAY 12 JUNE 2018

AGENDA

VISION

Whether you live here or visit, you will see how much we value our natural beauty, how connected our communities are, and how balanced growth makes this the best place in the world.

COUNCILLOR COMMITMENT

We’ll be truthful, represent the community’s needs, be positive and responsive and always strive to do better.
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.
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1. COUNCIL MEETING OPENED

2. INTRODUCTION OF MEMBERS PRESENT

3. APOLOGIES AND LEAVE OF ABSENCE

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 22 May 2018, 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

SUBMISSION FROM THE PUBLIC

Tree Removal Policy

Mr James Gray will be speaking in regards to Council’s lack of a tree removal policy.
7. BUSINESS PAPER

SOCIAL AND ECONOMIC DEVELOPMENT

7.1 Low Density Residential Zone / Amendment C143 Refusal

RESPONSIBLE OFFICER  Director Social & Economic Development

SUMMARY

Council has requested a report to consider the implications of the Minister for Planning’s decision to not approve Amendment C143 to the Yarra Ranges Planning Scheme which was a Ministerial request from Council to enable further subdivision in some Low Density Residential areas provided there is reticulated sewer.

The Minister’s reason for not supporting the amendment was based around bushfire risk and he did not believe the proposed amendment sufficiently addressed the need to prioritise human life over other policy considerations as required by the Planning Scheme. The Minister suggested that Council should review its Housing Strategy to determine the need for additional housing and identify areas that are suitable for growth away from bushfire risk. The Minister also advised that any future amendment seeking to increase development opportunities in the LDRZ should be undertaken at a ‘settlement’ level.

With the recently introduced changes to the bushfire controls (Amendment VC140) any planning scheme amendment that enables further subdivision potential must include a comprehensive response to bushfire risk. The changes introduced through VC140 strengthen the need for Council to direct population growth and development to low risk locations.

Moving forward it is recommended Council continue to undertake strategic work to manage change in Yarra Ranges’ townships and settlements through its structure planning program. Most recently adopted structure plans include Coldstream, Healesville, and Monbulk, with the latter two supporting some additional housing growth opportunities to low density areas that will be progressed through specific planning scheme amendments.

Council will also be reviewing its Housing Strategy shortly and it is recommended that this review consider whether there is benefit to further intensify some LDRZ areas. This broader review would be complemented by future detailed structure plans and their implementation.

RECOMMENDATION

That Council continue to undertake strategic work to address housing need in Yarra Ranges in line with currently programmed work for structure plan implementation and a review of Council’s Housing Strategy.
DISCLOSURE OF CONFLICTS OF INTEREST

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

PROPOSAL

This report considers options to pursue further subdivision or increased development in areas within the Low Density Residential Zone, following the State Government’s refusal of Amendment C143.

BACKGROUND

The Low Density Residential Zone (LDRZ) is widely applied in Yarra Ranges and includes areas of Belgrave, Belgrave Heights, Healesville, Lilydale, Monbulk, Montrose, Mooroolbark, Mount Evelyn, Selby, Tecoma, Upper Ferntree Gully, Upwey, Warburton and Yarra Junction. While these areas are quite different from each other they are typically further away from town centres, well vegetated and some infrastructure such as sealed roads and reticulated sewerage is not always provided. In recent years more properties have access to reticulated sewer through the various Community Sewer projects that are underway throughout the municipality such as in Lilydale and Monbulk.

The prescribed minimum lot size in Yarra Ranges’ LDRZ is currently 4,000m², which is specified under the schedule to the zone. Of the 12,417 lots in the LDRZ only 875 are the minimum lot size or larger.

Amendment C143 - Low Density Residential Amendment

In July 2013, as part of the package of zone reforms, the State Government modified the Low Density Residential Zone across Victoria to allow a minimum subdivision size of 2,000m² for lots connected to reticulated sewer. The reduction in lot size was not immediately implemented in the Yarra Ranges’ Planning Scheme. Instead, the Minister retained the 0.4 hectare (4,000m²) provision to allow Council the opportunity to do some further analysis and consult with the community.

Council subsequently undertook a public consultation process to gauge the views of the community as well as a desktop review of the LDRZ areas to determine constraints and the suitability of areas for further subdivision. The findings of these pieces of work ultimately led to the preparation of Amendment C143.

Given the extensive community consultation undertaken in considering the changes to the LDRZ, in October 2014, Council resolved to request the Minister for Planning approve C143 by way of a Ministerial amendment. The Amendment request broadly supported further subdivision in all suburbs except Belgrave, Upwey and Tecoma (due to fire risk and community concern). Other areas exempted from further subdivision were based on planning considerations including: environmental hazards (land slip/ fire risk), heritage areas and settlement patterns (areas of consistently large lots). Council also considered State and local planning policy in addition to consistency with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

Following a change in State Government, an Advisory Committee was appointed by Planning Minister Wynne in December 2016 to review the Ministerial Amendment request.
(C143). The Advisory Committee re-notified all submitters and conducted further consultation as part of its hearings. The Advisory Committee’s report made some broad recommendations - all contingent on further assessment and/or consultation with the Country Fire Authority to address fire risk.

It is important to recognise that C143 did not follow a normal amendment process. Strategic assessment was limited to largely a desk top analysis relying on known identified potential constraints such as the extent of the Bushfire Management Overlay and Erosion Management Overlay. The criteria were designed to assist Council in determining which areas were potentially suitable for further subdivision and those areas that may not be. Officers recommended excluding areas of fire risk, heritage, landslip and areas where the subdivision patterns were uniform (all lots generally of $4000m^2$) resulting in a distinct neighbourhood character. Council’s decision did not align with all the proposed criteria.

Regarding the consultation, Council sought comments from residents, via an online survey about the overarching change to all LDRZ areas, as opposed to the selected areas which formed the amendment. The purpose of the consultation was to enable Council to consider the views of the community particularly those people living in LDRZ areas before making a decision whether to support a lowering of the minimum subdivision size to $2000m^2$.

Some additional consultation was provided via the Advisory Committee which undertook its own consultation involving seeking submissions from interested parties and relevant agencies.

Following the Minister’s consideration of the recommendations of the Advisory Committee, in December 2017, the Minister formally refused Council’s request to approve Amendment C143 as proposed. The Minister’s refusal clearly directs Council to ensure any future amendment to increase development opportunities in the LDRZ is underpinned by sound strategic work, such as a structure plan or housing strategy and must be at a ‘settlement’ level (not individual lots). The issue of bushfire safety also heavily influenced the Minister’s decision in line with recent amendments to bushfire planning controls as discussed below.

**Amendment GC13 – Bushfire Overlay Update**

On 3 October 2017, State Amendment GC13 expanded the Bushfire Management Overlay to include an additional 18,000 properties in Yarra Ranges, greatly increasing its coverage in the Low Density Residential Zone.

**Amendment VC140 – State Planning Bushfire**

In December 2017 the State Planning Provisions were amended to, *give Victoria a more sophisticated and better informed planning response to bushfire that directs settlement and population growth away from areas of extreme bushfire risk and to safer low risk locations*. The State planning policy prioritises human life above all other policy considerations.
Of particular relevance to any future work in the LDRZ are the dot points in Clause 13.05 of the Planning Scheme which state:

- **Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas**

- **Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009.**

The first dot point effectively excludes further development in all areas which have an established Bushfire Attack Level (BAL) greater than 12.5. The second dot point indicates that intensification could be possible in areas that have higher than BAL 12.5, provided the development can be shown to directly reduce the BAL to a minimum 12.5. This must be achieved by showing that all aspects of the bushfire planning provisions are met including; new development can implement bushfire protection without unacceptable biodiversity impacts. In other words, removing all vegetation is not the answer. In all LDRZ areas of Yarra Ranges, a bushfire planning report is mandatory before any further subdivision or additional development can be considered.

**PREVIOUS STRATEGIC WORK**

**Housing Strategy 2009**

Council last looked at changes across the Low Density areas as part of its Housing Strategy adopted in 2009. The initial analysis put forward some LDRZ areas for further development; however following extensive community consultation the adopted Housing Strategy recommended no change to low density areas – a view strongly supported by the community at the time.

**Amendment C97**

The Housing Strategy was subsequently implemented via Amendment C97 - approved in 2013. Amendment C97 establishes a residential hierarchy in the Planning Scheme, defining areas for increased housing, incremental infill or minimal change. The Amendment did not seek to change the zoning of the LDRZ areas and these areas were considered to constitute a further or fourth tier of minimal change (or for the most part - no change) often creating a buffer between residential development and the green wedge (rural) zones.

**Current State of Play**

Despite the minimum lots size of 4,000m², many lots fall well below this size. In fact, most of Yarra Ranges’ low density areas contain subdivision patterns more similar to a Neighbourhood Residential Zone. Historically the LDRZ has been applied for a number of reasons. It is used to recognise and preserve significant vegetated areas, to address environmental risks and in the foothills of the Dandenong Ranges to achieve consistency with the Regional Strategy Plan which seeks to strictly limit further residential development.
As mentioned earlier in this report of the 12,000 plus lots in the LDRZ, less than 900 are actually large enough to be further subdivided and they are scattered over the entire municipality. While it can be argued that the change to 2,000m² would not make any significant impact, it can be equally debated whether providing 2000m² lots for single dwellings is filling any housing need in Yarra Ranges.

**FUTURE WORK OPTIONS**

Future amendments to provide development opportunities in the LDRZ should follow current best practice, which is to complete a strategic study (structure plan or Housing Strategy) with full public review and consultation prior to adoption by Council. Once adopted, the recommendations can be implemented by an amendment process, again with full public disclosure and submissions.

**Structure Plans**

Structure Plans provide an in-depth look at a settlement or area and routinely include an analysis of how the existing zones are performing in line with Council’s policies to provide for commercial, industrial and residential opportunities. They are intended to manage development in areas under pressure for change. Structure plans can consider implications for the existing infrastructure (roads, drainage, and sewer) as well as addressing any environmental factors influencing the area. Structure plans are prepared on an as needs basis and are resource intensive, so not every area has a structure plan. Historically, they have focussed on the major centres or areas where there is development pressure. Structure Plans have recently been completed in Healesville, Coldstream and Monbulk. The implementation of both the Healesville and Monbulk structure plans is looking at further development opportunities in the LDRZ areas.

**Housing Strategy**

As mentioned earlier, Council will be reviewing its Housing Strategy and it is logical to include an assessment of the Low Density Residential areas in this study. Key issues to examine will include the overall need for additional housing, the type of housing and where this housing is best located.

**STRATEGIC LINKS**

Related strategic links appear in the Council Action Plan 2017-2018 including:

- Develop a framework to guide and prioritise planning for activity centres and townships across Yarra Ranges including structure, community and township plans
- Revise Council’s Housing Strategy to ensure housing needs are being met and that Council is responding to an aging population.

**CONSULTATION**

Council undertook consultation on the Minister’s proposed change to the LDRZ prior to formulating Amendment C143; however no consultation was undertaken on the actual proposed amendment. The Advisory Committee provided some additional consultation
through advertising in the local newspapers but largely focused on existing submitters and interested parties.

Any future strategic work and resulting planning scheme amendment to facilitate changes to the LDRZ would be subject to individual consultation processes.

**FINANCIAL IMPLICATIONS**

There is no budgeted work at this time outside of reviewing the Housing Strategy and the implementation of the recently adopted Structure Plans. The cost of these projects is met by the recurrent budget of Strategic Planning.

Since the refusal of C143, many submitters have commented on the significant investment Council made in Amendment C143. To clarify this, outside of the initial mail out and advertisements for the online survey, Council has made no investment in the Amendment outside of officer time preparing reports and amendment documents. The Advisory Panel was fully funded by the State Government. Council requested a Ministerial Amendment, bypassing all the amendment fees associated with consultation, panels, advertising etc.

**KEY ISSUES**

The key issues associated with future work are covered in the Future Work Options section of this report.

Fundamentally, Council has a limited amount of land which is suitable for safe and efficient housing. The strategic work as described in this report provides an opportunity to look at the overall picture, assess the need for additional housing in accordance with the planning scheme and direct growth to the best suited areas in a logical manner.

*Environmental Impacts*

There are no environmental impacts as there is no project at this time.

*Social Impacts*

The ongoing provision of housing opportunities in Yarra Ranges and diversifying housing stock are important social considerations. The impact of Amendment C143 in providing additional housing is limited and it is preferable to review housing need within LDRZ areas as part of the broader strategic work as described.

*Economic Impacts*

There are no economic impacts associated with this report.

*Risk Assessment*

There is no identified risk as there is no proposal at this time.
CONCLUSION

It is recommended that Council continue to undertake and implement strategic work to guide further housing opportunities in Yarra Ranges. This is best achieved by reviewing the Housing Strategy, which will include a review of the LDRZ areas and implementing Structure Plans as they are completed.

ATTACHMENTS

There are no attachments to this report.
7.2 Planning Application YR-2007/1679/H - 18 Matson Drive (Lot 1 PS407085), Upwey

APPLICATION DETAILS

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<td>Application No.</td>
<td>YR-2007/1679/H</td>
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<tr>
<td>Proposal</td>
<td>Use and development of a 400 seat auditorium (place of assembly), car parking dispensation, car park additions and tree removal</td>
</tr>
<tr>
<td>Existing Use</td>
<td>Auditorium (place of assembly)</td>
</tr>
<tr>
<td>Owner</td>
<td>Yarra Ranges Shire Council</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr R Farnell, C/- Dandenong Ranges Community Cultural Centre</td>
</tr>
<tr>
<td>Zone</td>
<td>PPRZ – Public Park and Recreation Zone, MUZ - Mixed Use Zone, LDRZ - Low Density Residential Zone</td>
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<td>Overlays</td>
<td>SLO22 - Significant Landscape Overlay - Schedule 22</td>
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SUMMARY

The Burrinja Cultural Centre, located on the corner of Glenfern Road and Matson Drive is a community and cultural hub which provides a breath of cultural services and experiences to the local community. The total site area is 1.38 hectares. One of the key facilities is a 400 seat auditorium which operates under Planning Permit YR-2007/1679.

The proposal is to amend Condition 18 of the planning permit, including amending the site plan to show the provision of 29 additional car parking spaces and the removal of 19 trees.

Condition 18 of the permit currently restricts the number of patrons using the auditorium to a maximum of 300 except for 15 times during a calendar year where it can be increased to 400 patrons. The condition also restricts the total number of patrons at any one time at the centre to 517 patrons.

The applicant is seeking to increase the total capacity of the venue to 615 patrons and also enable a maximum of 64 events during the year where the auditorium can have up to 400 patrons.

A planning permit is required under Clause 53.01 for the removal of trees and a permit is also required under Clause 42.03 for the removal of significant trees.

A planning permit is required under Clause 52.06 Car Parking for the increase in patron numbers associated with the already approved ‘Place of Assembly’ which is currently operating on the site.
The application was advertised and a total of 11 objections were received. The objections focused on concerns over increasing the patron numbers, existing and future amenity impacts, loss of vegetation and traffic and parking issues associated with the site.

The proposed amendment to the permit to amend condition 18 to enable increased patron numbers, removal of trees and expansion of the car park by 29 spaces is considered a satisfactory proposal under the planning controls.

It is recommended that the application be approved subject to conditions and a Notice of Decision to Grant a Planning Permit be issued.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2007/1679/H for Use and development of a 400 seat auditorium (place of assembly), car parking dispensation, car park additions and tree removal at 18 Matson Drive (Lot 1 PS407085), Upwey and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report declares that there is no conflict of interest.

SITE LOCATION AND DESCRIPTION

The subject land is located on the corner of Glenfern Road and Matson Drive, Upwey (Refer to Attachment 5) and is formally identified on title as Lot 1 on LP096733 as part of Certificate of Title Vol 08983 Folio 922. No restrictive covenants apply. The site is rectangular in shape with a frontage of approximately 76 metres, length of 94 metres and a total site area of 1.38 hectares. The majority of the site is zoned Mixed Use and a smaller portion fronting Glenfern Road is located within a Public Park and Recreation Zone.

The site accommodates the community and cultural centre 'Burrinja' which comprises community meeting rooms and associated facilities, a 400 seat auditorium, ancillary café, an outdoor playground located within the front setback to Glenfern Road and a car parking area for 107 cars to the rear of the site.

The existing car parking area is accessed off Matson Drive. Matson Drive has been widened and sealed to accommodate vehicle access to Burrinja. Aside from the onsite parking, Matson Drive also provides on-street parking.

The subject site contains established vegetation including canopy trees within the frontage and landscape buffers along the north and east boundaries of the site.

Burrinja is a significant cultural hub within Yarra Ranges and the wider eastern region, hosting numerous community events throughout the year, including school concerts, exhibitions and regional performances.
SURROUNDING AREA

The site is located in an established residential area. Land to the north, west and east of the subject site is located in a Low Density Residential Zone. The following section describes the immediate vicinity surrounding the site:

- North (26 Matson Drive) - Land to the north of the site comprises a single dwelling. The common boundary of the site has an established 16 metre landscape buffer between the parking area on the subject site and the abutting property.

- West (2-25 Glenfern Avenue) - Land to the west of the site and Matson Drive contains a row of residential properties each containing a single dwelling. These properties all front Glenfern Avenue with the rear boundary of each lot being adjacent to the subject site.

- East (41-43 Brooking Street) - Land to the east of the site contains a row of residential properties. Each of these abutting properties contains a single dwelling and fronts Brooking Street. The east abutting properties share their rear boundary with the subject site. The shared boundary includes an established landscape buffer to both the building and established car park.

- Southeast (357 Glenfern Road) - Land to the southeast of the site comprises of a single residential lot which contains a dwelling. The common boundary with the site includes an established landscape buffer and open park area.

- South (334-344 Glenfern Road) – Land to the south contains residential dwellings that are located on the opposite side of Glenfern Road. They are well separated from the community centre.

HISTORY

<table>
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<th>The current planning application has had a number of amendments since the issuance of the original planning permit YR 2007/1679.</th>
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<td>VCAT History</td>
<td>Planning Permit YR-2007/1679 was approved by Council in 2008 and appealed by objectors to VCAT. On 12 January 2009 a planning permit was issued in accordance with the VCAT Decision dated 18 December 2008 for the use and development of a 400-seat auditorium (place of assembly), car parking dispensation, car park additions and tree removal. VCAT upheld Council’s decision to approve the permit, however the VCAT order placed a number of restrictions on the permit which included restricting the number of people and number of events held annually.</td>
</tr>
<tr>
<td>Other History</td>
<td>There is no other relevant history to the application.</td>
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PROPOSAL

The application seeks to amend Condition 18 of the planning permit and to amend the site plan to include an increase in patron parking with an additional 29 car spaces. Key details of the proposal are as follows:
Amendment to Condition 18

The current wording of Condition 18 is as follows:

Unless with the prior written consent from the Responsible Authority:

(a) the maximum number of auditorium patrons is 300 except that on up to 15 times per calendar year the maximum number of patrons may be 400 patrons;

(b) maximum number of persons present on the property at any one time must not exceed 517.

The proposed new wording of Condition 18 is as follows:

Unless with the prior written consent from the Responsible Authority:

(a) the maximum number of auditorium patrons is 400;

(b) the maximum number of persons present on the property at any one time must not exceed 615.

Following further community consultation the applicant has agreed to modify the proposed changes and restrict the number of times the auditorium can have up to 400 patrons to 64 times in a calendar year. This is discussed in the body of the report.

Creation of Additional Car Parking

It is proposed to increase patron parking by an additional 29 spaces. This will be achieved by providing 2 additional spaces on site within the existing car parking layout and an additional 27 spaces along the west side of Matson Drive.

The applicant has stated that the additional parking along Matson Drive has been designed with a roll over kerb and channel and a permeable surface as this new parking area is to be only used for overflow parking. The submitted information has included a statement that signage will be erected along the west side of Matson Drive to inform drivers that this area is reverse parking only and is only to be used for overflow parking.

To enable the creation of the additional 2 spaces within the rear parking area and the 27 spaces along Matson Drive a total of 19 trees are proposed to be removed. Details of the trees proposed for removal can be found in Attachment 7. To enable the creation of the 27 car spaces on Matson Drive, both the existing toilet and pump house are proposed to be removed.

No other conditions on the current planning permit are proposed to be amended as part of this application.

PLANNING CONTROLS

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<td>Clause 32.03 - Low Density Residential Zone</td>
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Overlay: Clause 42.03 - Significant Landscape Overlay – Schedule 22
Clause 44.06 - Bushfire Management Overlay

State Planning Policy: Clause 15 - Built Environment and Heritage
Clause 17 - Economic Development
Clause 17.03 - Tourism

Local Planning Policy: Clause 21.07 Landscape
Clause 21.11 - Community Infrastructure

Schedule to Clause 53: Applies to the proposal

Other Requirements: Clause 52.06 - Car Parking
Clause 64.02 Decision Guidelines

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 as the site is not subject to cultural sensitivity.

EXTRACTIVE INDUSTRY

The subject site is not within 500m of land on which a work authority has been applied for or granted under the Extractive Industries Development Act 1995.

STAKEHOLDER VIEWS

External Referrals

Discussions have been held with the CFA to ensure appropriate measures are in place to address bushfire risk.

Internal Referrals

<table>
<thead>
<tr>
<th>Department</th>
<th>Summary of Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Engineer</td>
<td>Consent to proposal subject to conditions on the permit</td>
</tr>
<tr>
<td>Arborist</td>
<td>Consent to proposed tree removal subject to conditions on the permit.</td>
</tr>
</tbody>
</table>

Objections and Consultation

✓ Mail  ✓ Sign  × Local Newspaper

Number of Objections: 11
A total of 11 objections were received for the proposed amendment to the planning permit. The following issues were raised:

- Car parking and additional traffic issues and congestion
- Concern over the removal of the 15 times per year limit on events
- Amenity concerns from patrons
- The demolition of the toilet block
- Noise from Skylark Room Café – Music
- Removal of vegetation along Matson Drive
- Safety of the Matson Drive and Glenfern Road intersection.

A consultation meeting was held on 16 April 2017 that was attended by 13 residents, the applicant, Council's planning officers, and the Ward Councillor. The applicant outlined the proposal and the objectors explained their concerns which were mainly associated with car parking and amenity impacts.

At the meeting the applicant proposed two modifications to the advertised proposal, one being the installation of moveable bollards along the newly created parking area on Matson Drive. The moveable bollards were proposed in response to amenity concerns related to intensification of the additional parking area. The second proposal was to maintain a cap on patron numbers, the cap proposed by the applicant was 70 events per year wherein onsite patrons numbers could be 400 in the auditorium and a total of 615 persons on site.

No agreements were made on the night, however all parties left the meeting better informed of the issues.

Following the consultation meeting, the applicant has since provided a written submission to Council outlying the intent to develop moveable bollards for the Matson Drive parking area and to limit larger events (maximum of 400 patrons) to 64 times per year.

**ASSESSMENT/ KEY ISSUES**

The application seeks to amend Condition 18 of the planning permit to increase the patron numbers, to increase patron parking by 29 spaces and the removal of vegetation. It is important to note, that this application is an amendment to an active planning permit and the only matters that can be considered under this planning permit assessment are the proposed changes. Therefore the assessment is confined to the increase in patron numbers, vegetation removal and the proposed expansion to car parking.

**Patron Numbers – Amending Condition 18**

The applicant has submitted that the current patron restriction limits the ability of the facility to serve the community appropriately. Often bookings cannot be taken and events are required to go elsewhere. The applicant has stated that demand for larger events (over 300 patrons) has increased. Consequently there is a need to revise the patron cap as it currently applies to the permit.
The application originally sought to remove the cap of 15 times per year, thus enabling major events (up to 400 patrons in the auditorium and up to 615 persons on site) year round. However the applicant has responded to community concerns and is seeking to cap large events to 64 times per year. The applicant is seeking to increase the total persons on site to 615 patrons.

The justification provided by the applicant for increasing the limit on the number of larger events from 15 to 64 events per year is based on evidence collected over the years from operating the venue. One of the major issues facing the venue is the changing nature of school performances which often now include a significant number of performers as opposed to just patrons. The current limitation imposed by Condition 18 means that many school events are turned away.

The applicant is also seeking to allow for a total number of people, including staff, artists, performers and patrons, permitted on the site to be increased to 615 people. This total number of onsite people would not be restricted to the 64 bookings each year. This increase will provide greater flexibility for the number of performers in theatre productions, while also providing the centre with more capacity to use the venue for exhibitions and other events.

Given that the main reason for Condition 18 relates to ensuring adequate car parking and managing amenity issues around traffic, it is considered the additional 29 car parking spaces will address these concerns. The applicant has provided a record of complaints received which are low. Information collected during larger events indicates that the current parking capacity has been exceeded by around 25-30 vehicles, which corresponds to the number of additional car parks proposed. The proposal to increase the total patron numbers to 615 and increase the number of larger events (up to 400 patrons) from 15 to 64 times per calendar year to be appropriate. Consequently it is recommended that Condition 18 be revised to reflect the applicant's latest proposal:

**Recommended Condition 18:**

*Unless with the prior written consent of the Responsible Authority:*

a) *The maximum number of auditorium patrons is 300 except that on up to 64 times per calendar year the maximum number of auditorium patrons may be 400 patrons*

b) *The maximum number of persons present on the property at any one time must not exceed 615.*

**Car Parking**

Clause 52.06 of the Planning Scheme states a car parking rate must be considered when assessing an increase in a use. The car parking ratio for a ‘Place of Assembly’ is required to be assessed at 0.3 of a space to each patron. Currently the 155 spaces available comprising 107 onsite and 48 along Matson Drive meet the requirements of Clause 52.06. The proposed amendment to increase the onsite parking by 2 and the addition of 27 car parks along Matson Drive will provide a total of 184 car parking spaces. The additional 29 spaces will provide sufficient car parking for the extra patron numbers proposed (from 517 to 615 patrons) and the venue will continue to meet the car parking requirements under Clause 52.06.
Matson Drive – Car Parking Design

The new parking arrangement along the west side of Matson drive will see the removal of the existing parallel car parks and the creation of 27, 90 degree parking spots in its place. The creation of the 27 spaces will require the removal of the existing toilet block and pump house along with the removal of 17 trees (Vegetation removal is discussed in detail below). The submitted parking design indicates these car parking spaces are to be developed with a roll over kerb and channel and be of a permeable surface material. The applicant has indicated that this design option has been chosen to soften the appearance of the car parking area.

In response to community concerns raised during the planning application, the applicant has proposed additional signage and traffic control markers to be installed along the new parking area. Proposed signage includes directing patrons to the existing large car park to the rear of the site and ensuring parking along Matson Drive is reverse parking only. The applicant has also proposed traffic control markers in the form of moveable reflective markers which are to be only removed by onsite parking marshals on large event days. The provision of the additional signs and traffic control markers will be conditioned on the permit.

Vegetation Removal

A total of 19 trees are required to be removed to create the additional car parks. Council’s arborist has reviewed the proposal and notes that many trees proposed for removal are of low retention value due to either their size or poor structure and only two trees of high retention value (Tree 20 and 23) require removal. While these trees are considered to be good specimens their loss can be compensated by additional planting and landscaping.

The submitted plans indicate that 38 trees are proposed to be replanted on the site. A permit condition will require a full landscape plan showing the replanting to be provided. Further conditions related to tree protection measures to be adopted during construction will also be included on the permit.

Council’s arborist has also noted that the plans provided do not show any tyre stoppers or bollards between the parking spaces and the vegetated areas. A permit condition will require a concrete edge strip to stop cars from driving into the garden beds. This is deemed especially important given cars along Matson Drive will be required to reverse park.

Grounds of Objections

The following section includes an assessment of objector concerns that have not been discussed earlier in the report.

The Demolition of the Toilet Block and Pump House

Some concerns were raised around the removal of the toilet block and the impact that the removal of the toilet block would have on community members, particularly community members who utilise the playground. It has been confirmed that the toilet block has already been scheduled for removal due to ongoing maintenance issues. This planned removal is irrespective of the increase in the patrons on the Burrinja site. The pump house is already decommissioned. Further, Burrinja provides toilet facilities which are open to the public.
Noise From Skylark Room Café

Some objectors raised concerns around the noise, particularly music, from the existing Skylark Café. The Café and associated noise is not subject to this planning permit as the use of the site for a restaurant/café was granted under a separate planning permit YR-1999/165.

Parking on the Nature Strip Along Matson Drive

Some residents raised concerns that during nights of large events, patrons disregard parking controls and end up parking on residents nature strip. A review of the current planning permit notes that parking marshals are required for all large events and this condition will remain on the permit.

Glenfern Road and Matson Drive Intersection Safety

Increased traffic volumes at the intersection of Matson Drive and Glenfern Road were raised as an issue. Of particular note was the lack of a pedestrian crossing and the limited view lines for cars exiting Matson Drive onto Glenfern Road. A traffic investigation request has been raised with Council’s Traffic Engineers and a review of both the pedestrian access and sight lines along Glenfern Road will be undertaken. It should be noted that these concerns sit outside the current planning permit process as they relate to existing concerns.

CONCLUSION

It is considered that the proposal is consistent with the strategies and objectives of the State and Local Planning Policy Framework including the Municipal Strategic Statement. The proposed amendment to the existing planning permit to allow for an increase in patron numbers on site up to 64 times per year and a total number of people permitted on the site to 615 people year round is deemed an acceptable outcome and will enable the facility to properly cater for the needs of the community particularly local schools. With the addition of 29 car parking spaces potential offsite amenity concerns associated with traffic can be mitigated.

Accordingly, it is recommended that the amendment to the planning permit be approved and a Notice of Decision be issued in accordance with Attachment 1 to this report.

ATTACHMENTS

1  Recommended Permit Conditions
2  Planning Scheme Controls
3  Notification Map
4  Locality Plan
5  Aerial Map of Property
6  Plans
7  Tree Information
COUNCIL REPORT

Application | YR-2007/1679/H
Address of the land | 18 Matson Drive (Lot 1 PS407085), Upwey
Proposal | Use and development of a 400 seat auditorium (place of assembly), car parking dispensation, car park additions and tree removal

1. Before the use or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:

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   b. Deleted
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   q. Deleted
   r. A landscape plan prepared in accordance with condition 3 of this permit
   s. Amended plans to show proposed location of all parking signage as per condition 47 of this permit
   t. Amended plans to note removable Traffic Control Markers to be erected along the west parking area of Matson Drive
   u. Amended plans to show tyre stoppers or bollards between the vegetation and the end of all parking areas along the west of Matson Drive.
   v. Notation on plans to state tree protection measure must be carried out as per condition 11 and condition 13 of this permit.

When approved the plan(s) will be endorsed to form part of this permit.
2. Before the use and development commences, a Site Management Plan must be submitted to and approved by the Responsible Authority. All activities forming part of the permitted use must comply with the endorsed plan. The plan must include details on:
   a. All methods of management as outlined in the document “Burrinja: Venue Operational Guidelines” (January 2008);
   b. Full details on the mechanisms in place to manage and record bookings for the auditorium and other facilities of the centre, including what the anticipated patron thresholds will be for booking out other areas of the centre along with the auditorium to prevent clashes in events;
   c. A full car parking management plan to include the following:
      - Locations of all areas on and/or off site to be used for staff and patron parking;
      - Circumstances where the lower (northern) car park may be closed to encourage patrons and staff to parking within other parking areas;
      - Specification of the number staff required to enable efficient operation of the car parking areas for performances with an audience greater than 300;
      - The number and location of all on and off site security staff;
      - The means by which the direction of traffic and pedestrians flows to and from cars will be controlled both on and off site;
      - Measures to discourage patron parking in adjoining streets other than for major events;
      - Measures to preclude staff parking in designated patron car parking areas;
      - Servicing of the drainage and maintenance of car parking areas.
   d. Security, staffing, and other measures which are designed to ensure the orderly arrival and departure of patrons;
   e. Signage to be used to encourage responsible off-site patron behaviour;
   f. The training of staff in the management of patron behaviour;
   g. The responsible service of alcohol and waste collection;
   h. Staff communication arrangements;
   i. Complaint procedures including the issuing of a contact number for all residential properties in Matson Drive, on the north side of Glenfern Road between Glenfern Avenue and Brooking Street, and on the south side of Glenfern Road between Toorac Road and the property opposite the southern end of Glenfern Avenue;
   j. Measures to control noise emissions from the premises.

When approved the plan will be endorsed to form part of this permit. The Site Management Plan may be amended from time to time with the prior written consent of the Responsible Authority.

3. A landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be generally in accordance with Burrinja Cultural Centre parking plans, drawing number 20161-054, prepared by Yarra Ranges Council. The plan must show:
   a. The location of all existing vegetation to be retained;
   b. The replanting of 38 species from Yarra Ranges Vegetation Community 8 Mountain Grey Gum Damp Forest, Dandenong landscape list
ATTACHMENT 1.  Recommended Permit Conditions

c. The area or areas set aside for landscaping including off-sets required for native vegetation removal from the land in accordance with the Native Vegetation Framework;

d. A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a minimum of 50% indigenous and non-invasive native plant species and must not include any listed environmental weeds known in the Shire of Yarra Ranges. The schedule must also show the botanical and common name of each plant, the quantity to be planted, average size at maturity, the pot size and spacing;

e. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;

f. Provision of standard landscape notes relating to soil preparation, irrigation of planting beds, replacement of dead plants and planting technique for trees and shrubs;

g. Provision of a 24 month maintenance plan with notes on appropriate weed control, irrigation, mulch replenishment, dead plant replacement and pruning included to ensure the successful establishment and on-going health of the planting;

h. Notation that any new lawn areas are to be established utilising a non-invasive grass species. Appropriate grass species include: \textit{Dicantheum sericeum} (Queensland Blue-grass), \textit{Bothriochloa macra} (Red-leg Grass), \textit{Microlaena stipoides} (Weeping Grass), \textit{Agrostis stolonifera} (Creeping Bent Grass), \textit{Poa pratensis} (Kentucky Blue-grass) and \textit{Festuca arundinacea} (Tall Fescue);

i. Notation that timber retaining walls or edging around lawn areas or garden beds does not utilise Jarrah, Red Gum or Native (White) Cypress Pine (\textit{Callitris columellaris}) unless it can be demonstrated that they are a recycled product. Acceptable products include: treated pine, recycled plastic, moulded concrete, plantation grown Sugar Gum, brick edging or local stone;

j. A schedule of the species (botanical names and common names) and quantities of trees to be removed on the Plan.

When approved the plan(s) will be endorsed to form part of this permit.

4. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Management Plan must show:

a. Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;

b. Dust control;

c. Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;

d. Where access to the site for construction vehicle traffic will occur;

e. The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a ‘sensitive site’ with prescribed tree protection zones and fences;

f. The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

5. The layout of the site and the size of any proposed buildings and works shown on the endorsed plans can not be altered or modified unless agreed to by the Responsible Authority.

6. The use of any land or building or part thereof as shown on the endorsed plans will not be altered or modified without the written consent of the Responsible Authority.
7. The use must operate in accordance with the endorsed Site Management Plan, to the satisfaction of the Responsible Authority.

8. Only those trees marked “tree to be removed” on the endorsed plans are permitted to be removed or destroyed, to the satisfaction of the Responsible Authority.

9. This permit will expire if one of the following circumstances applies:
   a. The development is not commenced within two years of the date of this permit;
   b. The development is not completed within four years of the date of this permit;
   c. The use is not commenced within two years of the completion of the development;
   d. The use must not cease operations for more than two years.

   The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

10. The landscape works as shown on the endorsed plan must be carried out prior to the commencement of the use. New planting must be maintained or replaced as necessary to the satisfaction of the Responsible Authority.

11. Prior to the commencement of any buildings and/or works approved by this permit, tree protection fencing must be erected around all trees to be retained as per the endorsed plans Protection Zone (TPZ) to the satisfaction of the Responsible Authority. All TPZ’s must comply with the following:
   a. The fencing must be maintained and remain in place until all buildings and or/works are completed; and
   b. The fencing must be constructed of 1.8 metre star pickets and brightly coloured plastic meshing to a minimum distance in accordance with AS4970-2009 Protection of Trees on Construction Sites or the dimensions provided in the arborist report *Arboricultural Construction Impact Assessment, Greenwood Consulting, 16 January 2018,* and
   c. No vehicular or pedestrian access, excavation, placement of fill, storage of materials or soil disturbance of any kind are to occur within the tree protection zone, and
   d. Once erected the tree protection fencing may only be moved or otherwise altered with the written consent of the Responsible Authority, and
   e. The tree protection measures must not extend beyond the site boundaries except into roadside reserve or nature strip areas. They must not prevent the use of an existing road, footpath or accessway, and
   f. Approved excavation works are to be conducted by hand within the TPZ. If roots are encountered, the roots are to remain exposed and the project arborist is to determine if the tree requires removal (subject to approval by the Responsible Authority) or if it can be safely retained. Any roots that require cutting must be cut clearly with a saw or secateurs.
   g. The approved works within the Tree Protection Zone must be supervised by the project arborist.

12. Once erected and approved by the Responsible Authority, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.
ATTACHMENT 1. Recommended Permit Conditions

13. Tree protection measures for trees #39 and 47 must be carried out in accordance with sections 10.8 and 10.9 in the arborist report Arboricultural Construction Impact Assessment, Greenwood Consulting, 16 January 2018.

14. The use must be conducted in accordance with the Environmental Protection Authority’s State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

15. The permitted development and design of the auditorium must be undertaken in accordance with the recommendations contained in the acoustic report by Marshall Day Acoustics, dated December 2007. A copy of this report forms part of this permit.

16. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
   a. Transport of materials, good or commodities to or from the land;
   b. Appearance of any building, works or materials;
   c. Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   d. Presence of vermin.

17. The permitted development must provide a minimum of 109 car spaces on site.

18. Unless with the prior written consent of the Responsible Authority:
   a) The maximum number of auditorium patrons is 300 except that on up to 64 times per calendar year the maximum number of auditorium patrons may be 400 patrons;
   b) The maximum number of persons present on the property at any one time must not exceed 615.

19. When the auditorium is booked to its capacity of 400 patrons, no other use is permitted on the land unless it is ancillary or servicing the auditorium, to the satisfaction of the Responsible Authority.

20. No external sound amplification equipment, loud speaker, siren or other audible signalling device will be installed on the land.

21. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

22. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely effect the amenity of the neighbouring land or the locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.

23. The level of illuminance resulting from direct, reflected or other incidental light emanating from the site shall not exceed an average of 5 lux (with a maximum of 8 lux at any point other than a habitable room window where the maximum allowable shall be 5 lux) measured in the horizontal plan at 1.5 metres outside the boundary of the site, to the satisfaction of the Responsible Authority.
ATTACHMENT 1.  Recommended Permit Conditions

24. The car park lighting must be turned off at 12 midnight, with the exception of the low level bollard lighting for security, to the satisfaction of the Responsible Authority.

25. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.

26. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operate between the following hours:
   a. Administration hours: - 9.00am to 5.00pm Monday to Friday
   b. Auditorium hours:
      • Weekdays 7.00am with performances concluding 11.00pm with all patrons to exit by 12 midnight and all staff to exit by 1.00am.
      • Weekends 9.00am with performances concluding 11.00pm with all patrons to exit by 12 midnight and all staff to exit by 1.00am.

27. Unless with the prior written consent of the Responsible Authority, deliveries must only take place between the following hours:
   a. Deliveries to the loading bay and loading dock must only occur between 7.00am (Monday to Friday) and 9.00am (weekends and public holidays) until one hour prior to the start of a show or until 10.00pm on non performance nights.
   b. Deliveries from the loading bay and loading dock (“bump out” following the conclusion of a show) must be completed by 1.00am and may recommence the following morning during delivery hours. “Bump out” of equipment and gear must be supervised by centre staff to the satisfaction of the Responsible Authority.

28. Provision shall be made for the appropriate storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

29. Deleted

30. Prior to the use commencing, the parking areas and vehicular access ways shown on the endorsed plan must be fully constructed, sealed, drained and delineated to the satisfaction of the Responsible Authority.

31. Prior to the use commencing, piped drainage must be constructed to drain all paved areas to the satisfaction of the Responsible Authority.

32. Prior to the commencement of any works covered by this permit, engineering plans showing all car parking, driveways and drainage must be submitted to the Responsible Authority for approval.

33. Prior to the approval of civil engineering construction plans showing all car parking, vehicular access ways and drainage, a checking fee of $500 must be paid to the Responsible Authority.
ATTACHMENT 1. Recommended Permit Conditions

34. Prior to the approval of civil engineering construction plans, an inspection /surveillance fee to the value of 2.5% of the cost of the works as required by Condition No. 29 must be paid to the Responsible Authority.

35. The works as required by Condition No. 29 of this permit are to be maintained in good condition and repair by the developer, for a period of three months from the date of practical completion, to the satisfaction of the Responsible Authority.

36. A maintenance bond to the value of 5% of the cost of the works included in Condition No. 29 of this permit or $1,000, whichever is greater, must be submitted to the Responsible Authority on the practical completion of the works.

37. Prior to the use commencing, the construction of all internal civil works, including car parking, vehicular access ways and drainage is to be inspected and approved by a suitably qualified or experienced civil engineer or person. Prior to the occupation of the permitted development, the engineer or person must certify the construction of these works, to the satisfaction of the Responsible Authority.

38. The parking areas and vehicular access ways and drainage approved by this permit must be maintained to the satisfaction of the Responsible Authority.

39. The parking areas and vehicular access ways must not be obstructed or made inaccessible to the satisfaction of the Responsible Authority.

40. The loading and unloading of vehicles and the delivery of goods must be carried out at all times within the site boundaries.

41. All vehicles (other than vehicle using the loading bay) must enter and exit the site in a forward direction.

42. The location and details of the sign(s), as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.

43. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Responsible Authority.

44. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

45. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.

46. The Parking Control Markers are to only be removed from the parking area along the west side of Matson Drive on days when large events are held.
47. A minimum of two (2) signs are required to be erected along the west side of Matson drive which state the following:
   
   a. 109 Parking Spaces to the Rear
   b. Undercover Parking
   c. Lift access to Burrinja with arrows as appropriate

**NOTES:**

The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law. Building works approved under a planning permit shall not be commenced until a building approval has also been obtained under the Victoria Building Regulations and Building Code of Australia.

Prior to the commencement of any works affecting or involving Shire roads or drains, Asset Protection and/or Road Reserve/Easement Works Permit(s) are required. Permits can be obtained at any of the five Shire of Yarra Ranges Community Links. Call 1300 368 333 for further advice.

Drainage runoff from the approved development is to be directed to the piped drain in Matson Drive or at the north east corner of the site. This should be confirmed by contacting the Shire’s Civil Development Services Department prior to commencement of any works.
Yarra Ranges Planning Scheme

Zoning/Overlay:
- Clause 32.05 - Mixed Use Zone
- Clause 32.03 - Low Density Residential Zone
- Clause 42.03 - Significant Landscape Overlay – Schedule 22

State Planning Policy
- Clause 10.04 – Integrated decision making
- Clause 17 - Economic Development
- Clause 17.03 – Tourism
- Clause 18.02-5 Car Parking

Local Planning Policy
- Clause 21.04 – Land Use
- Clause 21.06 - Built Form
- Clause 21.07 – Landscaping
- Clause 21.09 – Environment

Schedule to Clause 53
- Applicable to proposal

Other Requirements
- Clause 52.06 – Car Parking
- Clause 65 – Decision Guidelines

State Planning Policy Framework (SPPF)

Clause 10.04 - Integrated decision making

It is recognised that the society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

In bushfire affected areas, planning authorities and responsible Authorities must prioritise the protection of human life over all other policy considerations. It is noted that the subject land is not within a Bushfire Management Overlay.
Clause 17.01 - Business

The objective is to encourage development which meets the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 17.03 - Facilitating tourism

The objective is to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination. The strategies include:

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

Clause 18.02 - Car parking

The objective is to ensure an adequate supply of car parking that is appropriately designed and located. The strategies to achieve the objectives include:

- Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.
- Encourage the efficient provision of car parking through the consolidation of car parking facilities.
- Prepare plans for the design and location of local car parking to:
  - Protect the role and function of nearby roads, enable easy and efficient use and the movement and delivery of goods.
  - Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
  - Create a safe environment, particularly at night.
  - Facilitate the use of public transport.

Local Planning Policy Framework – LPPF

Clause 21.07 Landscape

This clause seeks to recognise that the rural areas of Council contain some of the most visually attractive landscapes in Council comprising an intricate mix of open valleys, rolling foothills, steep forested land and majestic mountain ranges.

The objectives of this clause are to retain and protect the scenic landscapes, rural and green wedge character and special environmental features of Council.

It is policy that:

- Any development proposal demonstrates that the proposed buildings and works will not compromise the landscape and environmental qualities of the surrounding area, or substantially change the natural land form.
- All development be designed and sited to:
ITEM 7.2 (Cont’d)

ATTACHMENT 2. Planning Scheme Controls

- Have regard to the built form and to maintain design consistency with surrounding development and avoid detriment to the local environment.

- Recognise the land capability of the site in terms of slope, land subsidence potential, viewlines, enhancement of landscape values, protection of water resources, retention of indigenous flora and fauna and associated wildlife habitats and other local amenity considerations, and so as to be unobtrusive in the surrounding landscape.

- Avoid the removal of remnant vegetation, particularly healthy trees above five metres in height, and to minimise the disturbance to the root zone of such vegetation.

- Avoid prominent ridgelines, hill tops and other visually exposed sites.

- In the rural landscape areas, protect and enhance the environmental and landscape values particularly those derived from remnant indigenous vegetation.

- The external surfaces, including roofs, of all buildings, except within Metropolitan Residential Areas as identified in plans showing Residential Areas, be treated with non-reflective materials and subdued colours to reduce the visual impact of the development on the surrounding area. This is particularly necessary where any development is proposed to be located on a visually prominent site.

- On the completion of any development, the site be landscaped to protect and enhance the residential amenity, landscape character and any environmental features of the area.

- The landscaping be planted within 12 months of the practical completion of the development or works and then be maintained to the satisfaction of the responsible authority.

- In all areas outside the Urban Growth Boundary and in localities in residential zones which contain a tree canopy cover of mostly remnant vegetation, preference be given to landscaping using predominantly indigenous vegetation appropriate to the site, including upper, middle and lower storey plant species.

- All roads, including internal access tracks, be located, designed and constructed in a manner compatible with surrounding landscape values and character and which minimises soil erosion.

Clause 21.11 Community Infrastructure – Objectives, Strategies and Implementation

Objective 1 – Community Services

To improve access to a well-planned range of Shire-based community services that meet the current and future needs of residents.

Strategies

- Encourage the provision of community services in convenient locations to meet the needs of the urban and rural and green wedge communities. This may include the acting on the outcomes of a ‘Community Hubs’ policy that seeks to identify strategic locations for the provision of ‘hubs’ that provide integrated community services and facilities, such as those for children, aged, family and other community services.

- Provide for the consolidation of community facilities within established township centres where convenient access is available to other facilities such as public transport and shops.
Objective 2 – Recreation and Cultural Facilities

To establish a network of recreational, leisure and cultural facilities and programs which reflect the natural and environmental attributes of the Shire.

Strategies

- Promote leisure, recreation and recuperation activities, as well as a wide range of sporting activities and health and fitness centres, including havens and retreats for religious, educational and cultural organisations.

Zone

Clause 32.05 Mixed Use Zone

The purpose of Clause 32.05 is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Clause 32.03 Low Density Residential Zone

The purpose of Clause 32.05 is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Overlay

Clause 42.03 Significant Landscape Overlay – schedule 22

The purpose of Clause 32.05 is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
ITEM 7.2 (Cont’d)

ATTACHMENT 2. Planning Scheme Controls

- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

The landscape significance of residential areas in the Shire is attributed to the quality of the environment which includes the vegetation and its relationship to the broader landscapes which contribute to a ‘sense of place’. Many of these landscapes have National Trust classification including: the Western Face of the Dandenong Ranges, Sherbrooke Forest, Upper Yarra River and Environs, Silvan Agricultural Area and the Puffing Billy Railway Scenic Corridor.

Vegetation and buildings occurring in streamside areas are of particular significance as they play a role in the broader catchment.

Dandenong Ranges Foothills - Belgrave, Upwey and Tecoma

The treed slopes of the Dandenong Ranges have iconic significance for Melbourne, and the relationship between buildings and the surrounding landscape contributes significantly to the character of the area. Extensive vegetation in this area complements the conservation and habitat values of nearby bushland areas, many of which are included within the Dandenong Ranges National Park.

In the hillside areas of Belgrave, Upwey and Tecoma, houses and their grounds stand in a forested hills landscape. Dwellings are dominated by mostly native forest vegetation, which includes tall canopy trees and some understorey. Buildings maintain similar orientation and setbacks to adjoining properties and integrate well with the topography and the streetscape. There is usually little or no formal delineation of front property boundaries. Planting of native vegetation and where possible vegetation indigenous to the environs is encouraged in order to complement and enhance the visual and environmental qualities of the area.

Under the provisions of this overlay, a planning permit is required for tree removal within the Road Reserve within Matson Drive

Particular Provisions

Clause 52.06 Car Parking

Amongst other things, the purpose of Clause 52.06 is:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Clause 52.06-1 requires a planning permit when a use is proposed to be extended on the site. As noted in the proposal the applicant seeks to extend the total persons on site from 517 to 615, thus the parking configuration under Clause 52.06-3 require approval to the satisfaction of the responsible authority.
Clause 53 (Upper Yarra Valley & Dandenong Ranges Regional Provisions)

The Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan aims to:

- Contain urban development to a level compatible with conservation of the Region's rich environmental features and with its high standards of amenity.
- Define, in a positive manner, boundaries and principles upon which containment is to be handled, including specific policies which deal with the transition between the Region and metropolitan Melbourne.
- Establish policies to promote a sustainable community in economic, social and environmental terms.
- Ensure that rural land in the Region is protected and maintained for agricultural and rural activities and that rural landscapes are protected and maintained.
- Achieve a balance between protection of natural environmental values and amenity, while developing a comprehensive economic and social infrastructure to adequately meet the current and future needs of residents and visitors.

Clause 53.01-2 requires a planning permit to remove all native trees and any other tree over 5 metres in height within the Mixed Use zone of the site.

Clause 65 Decision guidelines

The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any local policy, as well as the purpose of the zone, overlay or any other provision.
LOCALITY PLAN/ADVERTISING AND OBJECTOR LOCATION

Plan generated: 9/05/2018 11:04 AM
Scale: 1:4520 @ A4

LEGEND
☐ SUBJECT PROPERTY
★ NOTIFIED PROPERTIES
● OBJECTORS
Yarra Ranges Council does not guarantee the accuracy of the information on this map. Any person using or relying upon such information does so on the basis that Yarra Ranges Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions on this map.
ATTACHMENT 6. Plans

ITEM 7.2

YARRA RANGES COUNCIL MEETING AGENDA - 12/06/2018

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STANDARD NOTES

1. The Contractor is to verify the location and depth of all utility services prior to commencing works by telephoning 1300 737 389 before you do.

2. Omissions between plans and existing conditions are to be reported immediately to the Council’s Supervising Engineer.

3. All surplus excavated material remains the property of the contractor unless specified otherwise or asked by the Council’s Supervising Engineer.

4. All drainage pipes are to be placed at a minimum of 1m from any existing utility unless specifically approved by the Council’s Supervising Engineer.

5. All drainage pipes to be Class 2 rubber ring jointed spigot and socket unless specified otherwise.

6. All property drainwater outlets within 3m of any drain or kerb are to be connected to underground drainage pipes where available, or back of kerb where underground drainage pipes are not available.

7. Drainage pits greater than 1.0m in depth are to be provided with step rails at 300mm centres vertically.

8. Aggr. drain placed behind kerb and channel as shown on plan, if within 3.0 metres of any tree excavation to be hand dug or bored to minimise root damage to tree.

9. Tree Protection Zones (TPZ) have been shown for all trees located close to the works area. Works and any stockpiles of construction equipment and materials are to be contained outside the TPZ unless specifically approved by this plan. Prior approval must be sought for any works not specified and approved by this plan that are to be conducted within the limits of the TPZ at any tree.

10. All existing signs and posts remain the property of the Council.

DRAWING

1. All drainage pipes are to be placed at a minimum of 1m from any existing utility unless specifically approved by the Council’s Supervising Engineer.
## Tree Removal Table

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>Genus/Species</th>
<th>Common Name</th>
<th>Location</th>
<th>Retention Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Acacia melanoxylon</td>
<td>Australian Blackwood</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>14</td>
<td>Acacia dealbata</td>
<td>Sliver Wattle</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>15</td>
<td>Acacia dealbata</td>
<td>Sliver Wattle</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>19</td>
<td>Acacia mearnsii</td>
<td>Black Wattle</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>20</td>
<td>Eucalyptus saligna</td>
<td>Blue Gum</td>
<td>Site</td>
<td>High</td>
</tr>
<tr>
<td>23</td>
<td>Eucalyptus saligna</td>
<td>Blue Gum</td>
<td>Site</td>
<td>High</td>
</tr>
<tr>
<td>26</td>
<td>Unknown sp.</td>
<td>2</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>29</td>
<td>Acacia mearnsii</td>
<td>Black Wattle</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>30</td>
<td>Eucalyptus obliqua</td>
<td>Stringbark</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>37</td>
<td>Acacia mearnsii</td>
<td>Black Wattle</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>42</td>
<td>Acacia melanoxylonv</td>
<td>Australian Blackwood</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>43</td>
<td>Acacia melanoxylon</td>
<td>Australian Blackwood</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>45</td>
<td>Fraxinus angustifolia</td>
<td>Narrow-leaf ash</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>49</td>
<td>Acacia melanoxylon</td>
<td>Australian Blackwood</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>50</td>
<td>Allocasuarina littoralis</td>
<td>Black sheoak</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>65</td>
<td>Photinia serrulata</td>
<td>Photinia</td>
<td>Site</td>
<td>Low</td>
</tr>
<tr>
<td>66</td>
<td>Fraxinus angustifolia</td>
<td>Narrow-leaf ash</td>
<td>Site</td>
<td>Low</td>
</tr>
</tbody>
</table>
7.3 Prioritising Centres for Structure Planning

RESPONSIBLE OFFICER: Director Social & Economic Development

SUMMARY

Structure plans define a Council’s preferred direction of future growth within a place (usually a defined activity centre or township) and guide how it will be managed. They are used to determine the planning framework associated with the place (local policy, zones, overlays), guide Council’s position on development proposals and applications and guide Council’s future provision of infrastructure and services in the place.

While focusing primarily on planning issues, structure plans play a role in identifying, documenting, integrating and prioritising projects and initiatives being developed for a place by Council, community and external agencies.

Structure plans as the only “tool” with which to approach planning for centres within the municipality is not sustainable due to the long time frames and resources that would be required to service all centres and townships. An alternative approach through place planning is being considered by Council officers to articulate a ‘whole of Council approach’ to town centres. Attachment 1 provides an initial draft overview of the place planning framework.

Given the complexity and resource intensive nature of structure plans, this report identifies the centres where structure planning should be a priority. These centres have been determined based on criteria that take into account the centre’s role, development pressures and future growth. The report also recommends timing for structure planning and a process for ongoing monitoring to support the implementation of adopted structure plans.

RECOMMENDATION

That Council

1. Endorses the recommended structure planning work program outlined in the report with actions in adopted structure plans to:

   (a) Be incorporated as tasks/actions within the respective internal department’s business plans subject to departmental budgets and resourcing.

   (b) Inform the Capital Works Program, Asset Renewal Plan and Council’s Long Term Financial Plan.

   (c) Support expenditure bids within Council.

   (d) Inform advocacy initiatives.

2. Is provided with an annual progress report that monitors the implementation of adopted structure plans.
DISCLOSURE OF CONFLICTS OF INTEREST

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

PROPOSAL

This report seeks to discuss the role and prioritisation of structure plans for town centres based on defined criteria to inform Council’s ongoing strategic planning work program and recommends ongoing monitoring of adopted structure plans.

The report also briefly introduces a draft place planning framework as either a precursor to a structure plan or as an alternative less resource intensive option to structure plans.

BACKGROUND

There is a hierarchy and distribution of centres in Yarra Ranges that vary in size, population, commercial and social needs. Each centre also faces varying constraints in terms of environmental, heritage and land use concerns. Together the centres form a network that play an important role in providing a well distributed range of services and employment opportunities to the broader community.

The approach to planning for town centres has traditionally been through the preparation of structure plans. A structure plan is a planning tool that sets out a vision for the future development of a place. It establishes a planning and management framework to guide development and land-use change and aims to achieve environmental, social and economic objectives.

Planning Practice Note 58: Structure planning for activity centres June 2015 issued by the Department of Environment Land Water and Planning (DELWP) identifies the following steps as part of a structure planning process.

The structure planning process

1. Project planning and establishment
2. Background research
3. Prepare discussion paper
4. Prepare draft structure plan
5. Final structure plan
6. Implementation program – statutory and non-statutory
7. Monitor and review
While structure plans deliver a highly detailed and comprehensive plan, they are resource intensive and time consuming and it would be impractical for all town centres to have a relevant and contemporary structure plan in place. Without an alternative process structure plans can be the default mechanism for carrying out planning for a place as they are currently the only ‘whole of Council’ planning option for town centres.

Given the large number of town centres in Yarra Ranges, there is a need to prioritise centres that warrant a structure planning process. Consequently, this report recommends prioritisation of selected centres for structure plans based on a set of criteria to inform Council’s ongoing strategic planning work program.

The report also briefly introduces a draft place planning framework for centres that could benefit from an alternative approach focusing on issue based planning. Place plans are intended to be used as either a precursor to structure planning or as an alternative less resource intensive option to structure plans in resolving town centre issues.

**STRATEGIC LINKS**

This report outlines a strategic approach to planning for town centres in Yarra Ranges.

“Township Structure Plans” and the “Yarra Ranges Planning Scheme” are identified as a supporting policy/strategy in meeting the Council Plan 2017-21 objectives of “Quality Infrastructure and Liveable Places”.

An activity centre network has been identified as part of Amendment C148 to the Yarra Ranges Planning Scheme.

The Economic Development Strategy which underpins the Council Plan 2017-21 objective for a “Vibrant economy, agriculture and tourism” refer to “place based development and investment facilitation” to provide the community with “better places to live, work and play”.

**CONSULTATION**

This report has been prepared in consultation with relevant internal departments within Council. External consultation will be conducted as appropriate as part of the structure planning process.

**FINANCIAL IMPLICATIONS**

Prioritised town centre structure plans will be developed by the Strategic Planning Unit within the allocated annual department budget with existing staff resources. The preparation of structure plans outside of the identified work program will be subject to budget and resource availability.

Implementation of actions as part of an adopted structure plan will be prioritised but subject to respective departmental budgets, Council’s Capital Works Program, Asset Renewal Plan and Long Term Financial Plan. Implementation monitoring will be undertaken by Strategic Planning within the allocated department budget and reported to Council on an annual basis.
Consideration of the financial implications of resourcing place plans is at a preliminary stage and is beyond the scope of this report.

KEY ISSUES

Structure Plans

A structure plan is a strategic land use policy document guiding the future growth and direction for a place over a period of time. According to the Planning Practice Note 58 by DELWP “structure plans help give effect to State planning policy by managing and facilitating major changes to land uses, built form and public spaces located within activity centres. It is the tool by which change in activity centres are managed in metropolitan Melbourne and effected through the planning scheme”.

The Planning Practice Note also states that “structure plans will not be required for all centres. For smaller neighbourhood centres provisions as part of a municipal activity centre strategy will usually suffice.”

In the last 10 years six structure plans have been completed; Lilydale, Chirnside Park, Mooroolbark, Monbulk, Healesville and Coldstream. On average it takes Council officers 18 months to 2 years to complete an adopted structure plan and a further 2 years to complete a planning scheme amendment to incorporate the strategic directions of the structure plan into the planning scheme.

Each structure plan costs approximately $60,000 to $100,000 to prepare excluding Council officer time. Adopted structure plans are also accompanied by an implementation plan with a range of actions that extend beyond the scope of planning regulations and are subject to respective internal departmental budgets and resourcing.

Strategic Planning has an ongoing annual budget for structure plans and this has managed to support on average the preparation of one new structure plan and preparation of a planning scheme amendment every 18 months to 2 years.

Clearly, structure plans as the only “tool” with which to approach planning for all centres within the municipality is not sustainable due to the long time frames and resources required, neither is it recommended as part of the Planning Practice Note.

Place Plans – An Alternative Approach

Place plans are an alternative approach being considered by Council officers to address the need to provide a more efficient and customised approach to town centres. Like structure planning, the place plan framework aims to articulate an integrated approach to policy development, identification of strategic projects/initiatives, resource allocation and service delivery by focusing on the needs of a particular place.

A place plan is intended to offer the opportunity for a more streamlined approach to planning and implementing positive changes within communities. (see Attachment 1 for a preliminary draft of the framework). This focused approach to “improving planning, design and management of public places across Melbourne…..” is supported in Plan Melbourne 2017-2050 under Action 53.
A place plan would identify strategic projects and initiatives that can be implemented without the need for the strategic land use changes that trigger a structure plan. As a more nimble and cost effective alternative to structure planning it will provide a consistent approach to engagement and the realisation of positive community outcomes within a shorter timeframe by moving through the planning and implementation process for communities more efficiently.

Council officers are preparing a further report to Council outlining the place plan framework. It is envisaged that place plans will be led by Departments within the Social and Economic Development Directorate with strong engagement and input from the Engineering and Environment Directorate.

**Prioritising Town Centres for Structure Plans**

Given the complexity and resource intensive nature of structure plans, it is considered that structure plans should be prioritised for centres anticipating/seeking significant land use and built form outcomes in the planning scheme as a result of envisaged development pressures, growth or change.

Prioritising centres for future planning and developing a program to prepare or update structure plans is supported under Action 9 of Plan Melbourne 2017-2050. In this regard Lilydale and Chirnside Park have been identified in Plan Melbourne as “Major Activity Centres” in the Eastern Region and should be supported with structure plans.

The following centres have been considered against a set of criteria developed to assist in the prioritisation of centres for structure plans.

1. Town centres identified in the Yarra Ranges Activity Centre Network Strategy (ACNS) and listed as Major Activity Centres (MAC) and Large Neighbourhood Centres (LNC).
2. Town centres with significant commercial floor space as profiled in the ACNS.
3. Town centres/areas with anticipated population growth.
4. Town centres/areas with identified development pressures based on a high number of building and works permit applications.

<table>
<thead>
<tr>
<th>ACNS Town Centres (MACs and LNCs)</th>
<th>Commercial Space (sqm)</th>
<th>Population Increase 2016-36 (avg. annual change %)</th>
<th>Approved permits (Building and Works)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Lilydale</td>
<td>41080</td>
<td>+8,799 (2.1)</td>
<td>312</td>
</tr>
<tr>
<td>2 Chirnside park</td>
<td>71430</td>
<td>+4,626 (1.8)</td>
<td>224</td>
</tr>
<tr>
<td>3 Mooroolbark</td>
<td>18210</td>
<td>+3,678 (0.7)</td>
<td>525</td>
</tr>
<tr>
<td>4 Kilsyth</td>
<td>10300</td>
<td>+1,644 (0.8)</td>
<td>401</td>
</tr>
<tr>
<td>5 Mount Evelyn</td>
<td>7990</td>
<td>Decrease</td>
<td>251</td>
</tr>
<tr>
<td>6 Monbulk</td>
<td>7970</td>
<td>+83 (0.1)</td>
<td>87</td>
</tr>
<tr>
<td>7 Belgrave</td>
<td>9020</td>
<td>Decrease</td>
<td>83</td>
</tr>
</tbody>
</table>
The town centres that clearly “tick all the boxes” are Lilydale, Chirnside Park and Mooroolbark. These centres have structure plans in place but the plans prepared for Lilydale and Chirnside Park were completed in 2006 and 2010 respectively and require review particularly Lilydale.

Officers recommend that each of these centres should have a contemporary structure plan in place (generally reviewed/updated in the past 5 years) and that adequate resources be set aside on an ongoing basis in the Strategic Planning budget to prepare or update the structure plans for these centres. Each structure plan should also be supported by an implementation plan that is adopted by Council.

There could arguably be other centres like Kilsyth that warrant a structure plan and the proposed framework does not preclude that consideration. Instead it allows the ability to consider a fifth factor:

5. Town centres that are experiencing significant change. The significant change could be due to significant infrastructure investment, development growth pressures or significant increase in visitation.

The town of Monbulk is an example of how this fifth factor influenced the need for a structure plan with the imminent provision of reticulated sewer that has provided potential intensification of commercial and residential areas within the town and the adopted structure plan provides a framework to manage the anticipated change.

Depending on the identified significant change and the desired outcomes, this approach does not “zero” in on the need for structure planning as the only solution rather it provides Council with the opportunity to consider alternative “tools” through the place planning framework that may be better suited to resolving the identified issues. Either way, any centre that is experiencing or is likely to experience significant change warrants investment in either structure planning or place planning.

**Structure Planning Work Program**

The following table identifies the town centres and indicative recommended timing to be prioritised for structure planning based on the identified criteria. Town centres that are not identified in the following table will be supported as part of the place planning process and if warranted a structure planning process to be considered on a case by case basis. The table also notes completed structure plans for Healesville, Coldstream and Monbulk and recommends a place planning approach be undertaken for these centres.
Town Centre | Criteria | Status | Recommendation/Indicative Timing
---|---|---|---
Lilydale | 1,2,3,4,5 | The 2006 Lilydale Structure Plan requires updating to reflect the quarry redevelopment, and resolve arterial transport issues | Commence 2018/19
Warburton | 5 | Potential increased visitation (mountain bike hub) | Commence Place Plan process 2018/19.
Chirnside Park | 1,2,3,4 | Adopted 2010 | Commence review in 2020/21
Mooroolbark | 1,2,3,4,5 | Adopted 2011 | Commence review in 2022/2023
Healesville | 1,2,4 | Adopted 2016 | Review 2021 - Consider Place Plan
Coldstream | - | Adopted 2016 | Review 2022 - Consider Place Plan
Monbulk | 5 | Adopted 2017 | Review 2023 - Consider Place Plan

**Structure Plan Implementation and Monitoring**

Adopted structure plans contain policy directions and actions that Council is committed to. Each adopted structure plan is accompanied by an implementation plan identifying actions, potential timing and anticipated funding sources subject to approved budgets and resources.

Implementation plans will be subject to consultation with relevant internal departments prior to Council adoption. However, post Council adoption these actions require continued monitoring and progress reporting.

To ensure timely delivery and a whole of Council approach to adopted structure plan implementation, it is recommended that Strategic Planning monitors and prepares an annual progress report which will be brought to Council. Adopted structure plan actions will:

- Be incorporated as tasks/actions within the respective internal department's business plans subject to departmental budgets and resourcing.
- Support expenditure bids within Council.
- Inform advocacy initiatives.
**Environmental Impacts**

There are no direct environmental impacts from this report. However the completion of a structure plan for a town centre will include consideration and better protection of the natural environment and sites of biodiversity.

**Social Impacts**

There will be no direct social impacts from this report. However, the completion of a structure plan for a town centre will contain policy which supports social infrastructure and appropriate design contributing to improved community health outcomes.

**Economic Impacts**

There are no direct economic impacts from this report. However, the completion of a structure plan will include policies to support commercial development and the creation of jobs within the municipality. It also protects agriculture and supports tourism (where appropriate) as key industries in the area.

**Risk Assessment**

There are no specific risks associated with this report.

**CONCLUSION**

Structure plans provide an agreed framework to plan for the future growth and development of a place. Council’s resourcing should focus on key places that are experiencing or envisaged to experience significant change.

Structure plans are not the only “tool” with which to consider planning for activity centres or townships. This report introduces the draft place planning framework as an alternative approach that is less resource intensive that can also be used as a mechanism to determine whether a structure plan is warranted. Commencement of a place plan in FY18/19 has been identified for Warburton. Subject to the findings of the place plan, a structure plan for Warburton may follow.

Whatever planning process is undertaken it is important that a whole of council approach is undertaken to ensure integration of all aspects that influence a place. Most importantly actions need to be monitored, followed through and implemented. To this end adopted structure plans will be supported with ongoing resourcing from the existing Strategic Planning department budget to continue monitoring of the implementation plans. An annual progress report will be brought to Council to update on the status of implementation actions in the adopted structure plans.

It is recommended that Council ensure as a minimum the centres of Lilydale, Chirnside Park and Mooroolbark have contemporary structure plans in place. Existing structure plans for the other centres of Healesville, Coldstream and Monbulk will be monitored and actions implemented until such time the plans are reviewed. Planning for these centres and other centres and townships will be supported as part of the place planning process and a structure plan will be initiated on a case by case basis.
ATTACHMENTS

1   Draft Place Planning Framework
Draft Planning for Place Process

Research
- Economic
- Social
- Built Environment (Township Review)
- Literature Review
  - Council Policies, Strategies & Plans
  - External Documents
Community Engagement History
Service Planning

Analysis
- Trends
  - Demographic
  - Business, Investment & Property
  - Social Direction
- The Place
  - Sense of Place
  - Culture
  - Unique Qualities
  - Stakeholders
- Comparison/rank with other places

Recommendations to Council
Place Plan Report to Council
“Call to Action”
5 THINGS WE MUST DO BASED ON:
- Compilation of Research, Analysis and Catalysts
- Strategic Alignment
- Council Adopted Strategies
- Advocacy Themes

Outputs
Potentially Include:
- Structure Plans
- Masterplans
- Township Improvements
- Major initiatives/ CapEx
- Input to other Council strategies
- Planning Scheme Amendments
- Changes to Service Planning and Provision (Eg: Community Support Road Management Act.)

Catalysts - (drivers as to the breadth of research and analysis required per Place Plan)

Municipal
- Community Values
- Culture
- Asset Management
- Strategic Objectives
- Our Philosophy
- Strategic Resource Plan
- Long Term Financial Plan

External
- Economic settings
- Federal settings
- State transport
- State planning
- Global opportunities and challenges
- Environmental (Climate Change)
CORPORATE SERVICES

7.4 Councillor Expenditure Policy - Reimbursement of Expenses for Cr Cliff

RESPONSIBLE OFFICER Director Corporate Services

SUMMARY

The Councillor Expenditure Policy (the Policy) requires that all claims for the reimbursement of expenses must be made within three months of the date an expense has been incurred.

Provision is also made within the Policy for Council to consider any claim submitted by a Councillor for the reimbursement of expenses incurred more than three months prior to the claim being submitted.

In accordance with the Policy, approval is sought for the reimbursement of expenses incurred by Cr Cliff during the period 1 December 2017 to 28 February 2018.

RECOMMENDATION

That Council approve the reimbursement of expenses of $4,715.23 incurred by Cr Cliff for the period 1 December 2017 to 28 February 2018, in accordance with the Councillor Expenditure Policy.

DISCLOSURE OF CONFLICTS OF INTEREST

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

PROPOSAL

Council is requested to approve the reimbursement of expenses incurred by Cr Cliff during the period 1 December 2017 to 28 February 2018.

BACKGROUND

The Councillor Expenditure Policy requires that all claims for the reimbursement of expenses must be made within three months of the date an expense has been incurred.

Once submitted, claims are then forwarded to the Director Corporate Services for authorisation.

In cases where expenses have been incurred more than three months prior to the claim being submitted, the Policy requires that these to be referred to Council for consideration.
Section 75(1) of the *Local Government Act 1989* requires Council to reimburse a Councillor for expenses if the Councillor:

(a) applies in writing to the Council for reimbursement of expenses; and

(b) establishes in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor.

The claim made by Cr Cliff covers the period 1 December 2017 to 28 February 2018.

**STRATEGIC LINKS**

The expenses claimed are in accordance with the entitlements of the Councillor Expenditure Policy.

**CONSULTATION**

There has been no consultation undertaken in respect of this report.

**FINANCIAL IMPLICATIONS**

The reimbursement of the expenses claimed by Cr Cliff during the period 1 December 2017 and 28 February 2018 can be met from within existing budgets.

**KEY ISSUES**

The claim submitted by Cr Cliff is for reimbursement of travel expenses incurred during the period 1 December 2017 to 28 February 2018.

In this period, Cr Cliff has claimed reimbursement for 55 individual journeys which amount to 4,144km, to be paid at a rate of $1.1294 per kilometre.

In addition, a further claim has been made for the 9 February 2018 for $35 for dry cleaning of Council-issued clothing.

Upon reviewing the claim, Officers have determined that each of the journeys claimed during this period relate to Cr Cliff performing the duties of a Councillor.

**Environmental Impacts**

There are no foreseeable or known environmental impacts arising from this report.

**Social Impacts**

There are no foreseeable or known social impacts arising from this report.

**Economic Impacts**

There are no foreseeable or known economic impacts arising from this report.
Risk Assessment

There are no foreseeable risks. Provision is made within the Policy for Council to consider the reimbursement of expenses incurred more than three months prior to the claim being submitted.

CONCLUSION

The request for reimbursement by Cr Cliff is considered acceptable in accordance with the provisions of the Policy and Section 75 of the Local Government Act 1989.

ATTACHMENTS

There are no attachments to this report.
ENVIRONMENT AND ENGINEERING

7.5 Solar Saver Scheme - Variation to Special Charge

RESPONSIBLE OFFICER Director Environment & Engineering

SUMMARY

Council at its meeting on 28 November 2018 considered a report relating to the supply and installation of solar energy systems on residential properties participating in the Solar Saver Scheme and resolved to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report recommends minor modifications to the Special Charge Scheme.

RECOMMENDATION

That Council

1. Vary the special charge allocated to individual properties involved in the Solar Saver Special Charge Scheme as shown in Attachment 2 to the report.

2. Notify those persons liable to pay the varied special charge of the variation to the Special Charge Scheme.

DISCLOSURE OF CONFLICTS OF INTEREST

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

PROPOSAL

Remove two properties from the Special Charge Scheme and reduce the charge allocated one other property.

BACKGROUND

Council at its meeting on 28 November 2018 considered a report relating to the supply and installation of solar energy systems on residential properties participating in the Solar Saver Scheme and resolved to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

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.

Two properties have withdrawn from the Special Charge Scheme and another property’s special charge has been reduced.
STRAEGIC 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 variations to the Special Charge Scheme are the result of requests from affected landowners or their representatives or advice from the provider of the solar energy systems.

FINANCIAL IMPLICATIONS

The variations to the Special Charge Scheme will result in a reduction of Council funding required in the first year of the Scheme. The entire cost of the Special Charge Scheme will be recouped by Council from participating landowners over a 10 year period.

The varied special charge allocated to individual properties is shown in Attachment 2.

KEY ISSUES

Section 166 of the *Local Government Act 1989* states that Council must ensure that those persons who are liable to pay a special charge which is varied, are notified if it is varied.

*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.

*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.
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.

CONCLUSION

It is recommended that Council vary the special charge allocated to individual properties involved in the Solar Saver Special Charge Scheme as shown in Attachment 2 and notify those persons liable to pay the varied special charge of the variation to the Special Charge Scheme.

ATTACHMENTS

1 Council Report Intent to Levy a Special Charge
2 Schedule of Charge per Property
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

<table>
<thead>
<tr>
<th>Project Cost</th>
<th>$59,657.13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance to be recovered from property owners</td>
<td>$59,657.13</td>
</tr>
<tr>
<td>Net Council Cost</td>
<td>Nil</td>
</tr>
</tbody>
</table>

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
## Special Charge Scheme

<table>
<thead>
<tr>
<th>Description</th>
<th>Property Address</th>
<th>Suburb</th>
<th>Assessment No.</th>
<th>Charge for The Works</th>
<th>Yearly Charge</th>
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</thead>
<tbody>
<tr>
<td>Lot 22 LP118557 Sec 3</td>
<td>6 Mattea Court</td>
<td>LILYDALE VIC 3140</td>
<td>4759</td>
<td>$3,408.01</td>
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<tr>
<td>Lot 43 LP11275 Ca PT</td>
<td>37 Bailey Road</td>
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<td>Lot 12 LP5888 Sec Z Ca</td>
<td>3 Erth Lane</td>
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<td>$410.71</td>
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<tr>
<td>Lot 437 LP57800 Ca PT</td>
<td>12 Carawa Street</td>
<td>MOOROOLBARK VIC 3138</td>
<td>24867</td>
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<td>Part Lot 1 LP70140 Ca</td>
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<tr>
<td>Lot 1 LP91045 Ca 9-12</td>
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<tr>
<td>Sec B Ca 12PT PGrace</td>
<td>104 Healesville-Koo Wee Rup Rd</td>
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<tr>
<td>Lot 42A PS349649 PW</td>
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<td>51622</td>
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<td>Sec G Ca PT 36 PMoni</td>
<td>10 Braeside Avenue</td>
<td>SHERBROOKE VIC 3789</td>
<td>56013</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
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<td></td>
<td></td>
<td><strong>$49,687.95</strong></td>
<td><strong>$4,968.80</strong></td>
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**Notes**
- 6 Mattea Court: Variation Special Charge reduced by $140 on advice from provider of the solar energy systems
- 10 Braeside Avenue: Variation Special Charge removed - property withdrawn from Special Charge Scheme
- 29A Hereford Road: Variation Special Charge removed - property withdrawn from Special Charge Scheme

17/05/2018
7.6 Sport and Recreation Victoria Grant Funding Applications

RESPONSIBLE OFFICER Director Environment & Engineering

SUMMARY

This report seeks Council approval for the proposed projects to be submitted to Sport and Recreation Victoria’s 2018-2019 Female Friendly Facility Fund Program and 2019-20 Community Sport Infrastructure Fund Program. The report proposes Council provide funding contributions to support the delivery of the proposed projects.

Council’s contributions are proposed to be allocated from the Public Open Space Fund for Walling and O’Shannassy Wards, Future Community Projects Implementation Program and Sports Field Lighting Renewal Asset Renewal Reserve.

RECOMMENDATION

That Council

1. Approve the following project to be submitted into the 2018-2019 Female Friendly Facility Fund Program.
   (a) Pavilion upgrade at Esther Park. The application is to seek $500,000 to support a total project cost of $2.4m ($1.85m Council/ $50,000 Community contribution).

2. Approve the following projects to be submitted to the 2019-20 Community Sport Infrastructure Fund Program.
   (a) Warburton Community Recreation Precinct – The application is to seek $800,000 to support a total project cost of $4.5m ($3.7m Council contribution).
   (b) Ground renovation and lighting upgrade at Pinks Reserve Oval number 2 – The application is to seek $250,000 to support a total project cost of $900,000 ($650,000 Council contribution).
   (c) Regional Soccer Strategy – The application is to seek $50,000 to support a total project cost of $100,000 ($50,000 Council contribution in partnership with other Eastern Region Councils).
   (d) Municipal Indoor Stadium Strategy – The application is to seek $30,000 to support a total project cost of $60,000 ($30,000 Council contribution).

3. Approve funding for the proposed sporting pavilion upgrade at Esther Park of
   (a) $100,000 from the 2018-19 Capital Expenditure Program – Recreation Facilities program.
   (b) Refer for consideration a further $1.75 million from the 2019-20 Capital Expenditure Program Budget process from the Recreation Facilities program and Asset Renewal Reserve.
4. **Refer the allocation of the following funding to Council’s 2019-20 Budget considerations.**

   (a) $578,000 from the Capital Expenditure Program - Future Community Projects Implementation Program for the Warburton Community Recreation Precinct, to be added to the existing allocation in the 2018-19 Capital Expenditure Program budget of $2.576 million.

   (b) $650,000 for the Ground renovation and lighting upgrade at Pinks Reserve Oval number 2 from the Capital Expenditure Program allocations for Public Open Space Fund - Walling Ward, Sports Field Lighting Renewal Asset Renewal Reserve ($128,000) and Future Community Projects Implementation Program.

   (c) Up to $50,000 from the Built and Active Spaces Department operational budget for the Regional Soccer Strategy.

   (d) $30,000 from the Built and Active Spaces Department operational budget for the Municipal Indoor Stadium Strategy.

**DISCLOSURE OF CONFLICTS OF INTEREST**

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

**PROPOSAL**

That Council consider the following projects proposed for submission to the State Government 2018-2019 Female Friendly Facility Fund Program and 2019-20 Community Sport Infrastructure Fund Program.

**Female Friendly Facility Fund Program**

- Pavilion upgrade at Esther Park – The application is to seek $500,000 to support a total project cost of $2.4m ($1.85m Council/ $50,000 Community contribution). Council’s current position is to limit the funding contribution from Council to $1m however Officers are seeking a larger commitment from Council in recognition of the increasing costs to deliver sporting pavilion projects, the reducing availability of external funding and to also recognise Asset Renewal benefits in delivering projects.

**Community Sport Infrastructure Fund Program**

- Warburton Community Recreation Precinct – The application is to seek $800,000 to support a total project cost of $4.5m ($3.7m Council contribution of which $2.576 million is currently allocated in the 2018-19 Capital Expenditure Program)

- Ground renovation and lighting upgrade at Pinks Reserve Oval number 2 – The application is to seek $250,000 to support a total project cost of $900,000 ($650,000 Council contribution)

- Regional Soccer Strategy – The application is to seek $50,000 to support a total project cost of $100,000 ($50,000 Council contribution in partnership with other Eastern Region Councils)
- Municipal Indoor Stadium Strategy – The application is to seek $30,000 to support a total project cost of $60,000 ($30,000 Council contribution).

The report seeks Council’s ‘in-principal’ support for a total Council contribution of $1.85m in its draft 2018-19 budget for the Female Friendly Facility Fund Program. An additional $50,000 has been committed by the Mooroolbark Soccer Club for the pavilion upgrade to bring the total proposed Council and Community contribution to $1.9m. Furthermore, the report also seeks Council’s ‘in-principal’ support for the projects and total Council contribution of $4.43m in its draft 2019-20 budget for the Community Sport Infrastructure Fund Program, subject to the funding applications being successful.

Council officers will manage the application process and will submit the applications as outlined in the application criteria. Furthermore, officers will continue to seek other alternate funding opportunities to reduce Council’s commitment to the project.

BACKGROUND

The 2018-19 Female Friendly Facility Fund Program is a new State Government funding stream developed to help deliver infrastructure improvements aimed at supporting female participation across Victoria. The program is primarily for upgrades to lighting, surface improvements and developing additional unisex change facilities. The Female Friendly Facility Fund Program provides a maximum grant of $500,000.

The State Government also has funding available through the 2019-20 Community Sport Infrastructure Fund Program to help deliver high quality, accessible community sport and active recreation infrastructure to support general participation. The program can also support upgrades to lighting, surface improvements and developing additional unisex change facilities as well as other recreation infrastructure such as playgrounds. Furthermore, the Community Sport Infrastructure Fund Program provides funding for strategic recreation planning projects at a municipal and regional level.

Both Programs opened on 19 April 2018 with Female Friendly Facility Fund Program applications due for submission by 11.59pm on Monday 23 July 2018 and Community Sport Infrastructure Fund Program due for submission by 11.59pm on Monday 25 June 2018.

There are currently a number of State and Federal funding programs where applications have been submitted to seek funding for community infrastructure improvements. There is also the upcoming State and Federal elections where Council will also advocate for funding.

To be able to seek funding for improvement projects, funding bodies seek confirmation that there is appropriate matching funding in place to deliver proposals. Having Council support for in-principal contributions towards projects allows the pursuit of various avenues for funding support.

Given the high priority of these projects, they feature strongly in a number of current submissions and advocacy for funding assistance. Should there be success through multiple avenues, this will reduce Council’s contribution towards proposed improvement projects. Should funding support not be achieved, requested budget allocations will not be progressed with.
STRATEGIC LINKS

The projects are driven through the Quality Infrastructure and Liveable Places strategic objective within the Yarra Ranges Council Plan (2017-21). The Recreation and Open Space Strategy seeks Council to plan for an active and healthy Yarra Ranges future providing quality and diverse sport and recreation facilities, parks and community spaces.

Furthermore, the proposed projects will significantly contribute to enhancing health and wellbeing outcomes, including decreasing obesity and improving mental health and wellbeing by engaging and encouraging people to be physically active.

The proposed projects are considered high priority development sites taking in account the existing condition of the assets and increased usage with the Esther Park Facility an important female friendly soccer facility and the Pinks Reserve project delivering on Council’s rolling process to improve sports field lighting and surface condition which both have a large impact on improving participation outcomes.

CONSULTATION

Consultation has occurred with user groups at Esther Park, Warburton and Pinks Reserve. Letters of support for the projects will be sought from the relevant clubs and their associations. Other regional Councils have been consulted on regional planning priorities.

FINANCIAL IMPLICATIONS

The community and Council will gain significant benefits from funding allocated to successful projects by the Government. The Government’s financial contribution allows Council to accelerate the delivery and volume of priority community projects, providing quality infrastructure, increased economic growth and health and wellbeing opportunities for the community. Proposed projects to be submitted are:

<table>
<thead>
<tr>
<th>Project</th>
<th>Total Project Cost</th>
<th>State Government Grant</th>
<th>Council Contribution</th>
<th>Other Contribution(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Esther Park Pavilion Upgrade</td>
<td>$2.4m</td>
<td>$500,000</td>
<td>$1,850,000 (2018-19)</td>
<td>$50,000 from the Mooroolbark Soccer Club</td>
</tr>
</tbody>
</table>

The internal funding sources for this project are proposed to come from Recreation Facilities program, Asset Renewal Reserve and Future Community Projects Implementation Program.
**Warburton Community Recreation Precinct**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Cost 2018-19</th>
<th>Cost 2019-20</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4.5m</td>
<td>$800,000</td>
<td>$3.7m (2019-20) Council has already committed $300,000 in 2017-18 for design and $2.576m in 2018-19 as per the 27 June 2017 Council report. It is proposed that this commitment be leveraged against the grant to fund both stages of this project. The proposed funding model for construction is: 2018-19 CEP - $2.576m 2019-20 CEP Future Community Projects Implementation Program – $578,000</td>
</tr>
<tr>
<td>Ground renovation and lighting upgrade at Pinks Reserve Oval number 2</td>
<td>$900,000</td>
<td>$250,000</td>
<td>$650,000 (2019-20) The internal funding sources for this project are proposed to come from the Public Open Space Fund - Walling Ward allocation, Sports Field Lighting Renewal Asset Renewal Reserve ($128,000) and Future Community Projects Implementation Program.</td>
</tr>
<tr>
<td>Regional Soccer Strategy</td>
<td>$100,000</td>
<td>$50,000</td>
<td>$50,000 Council contribution in partnership with other Eastern Region Councils (2019-20) Department operational budget Funding</td>
</tr>
<tr>
<td>Municipal Indoor Stadium Strategy</td>
<td>$60,000</td>
<td>$30,000</td>
<td>$30,000 (2019-20) Department operational budget Funding</td>
</tr>
</tbody>
</table>

The level of funding available from the Asset Renewal Reserve and Future Community Projects Implementation Program would need to be reviewed against the existing 10 year program of works proposed from each fund and the resources available to deliver the projects and be confirmed through Council’s budget process for the relevant financial year.

**KEY ISSUES**

*Environmental Impacts*

Environmental impacts will be fully explored as part of the ongoing process for each project which includes the residual effect of upgraded lighting on the natural environment (minimising light spill), installation of energy efficient LED technology, water saving initiatives and Crime Prevention through Environmental Design Principles.
Social Impacts

There are strong links to social and community impacts resulting from the delivery of these projects. They include:

- Enhanced community access to infrastructure that encourages health and wellbeing outcomes
- Revitalisation of local communities
- Reduction of social isolation
- Greater connection to place
- Increased visitor footprint
- Increased female participation in sports.

Improved access to quality infrastructure helps to maximise participation outcomes in sport and active recreation.

Economic Impacts

Delivery of these projects will increase the capacity of the infrastructure which will likely attract increased participation and therefore assist in making the tenant clubs more viable. With the delivery of the Stage 2 at Warburton will likely attract additional visitations from across the Eastern Region which would have flow-on increase in patronage for local businesses. Officers are currently undertaking an economic study on the Warburton community recreation precinct and will include this in the final grant application. The proposed $1.63m in grant funding assists Council to deliver key community infrastructure in a shared financial partnership with the community and the state government.

Risk Assessment

The proposed projects attempt to deliver high priority community infrastructure which align with the funding guidelines and reduces risk.

A significant increase in female participation in soccer at Esther Park (46% in three years) increases the risk for Council and the club in providing suitable unisex change facilities. The current lighting infrastructure and surface condition at Pinks Reserve Oval 2 is sub-standard and insufficient to meet the needs of increasing usage. As the usage increases the likelihood of injury due to substandard lighting also increases. It is therefore essential that Council seek to improve the lighting infrastructure to reduce the risk.

CONCLUSION

The State Government’s 2018-19 Female Friendly Facility Fund Program and 2019-20 Community Sport Infrastructure Fund Program offers Council the potential to accelerate the construction of key community projects.
The projects have been identified which align with the funding criteria and are high priority infrastructure projects for Council.

Council officers will continue to manage the application process, with applications to be finalised and submitted by the grant closing dates.

**ATTACHMENTS**

There are no attachments to this report.
7.7 **Contract No CT5476 Bushland Maintenance & Fuel Management**

**RESPONSIBLE OFFICER**  
Director Environment & Engineering

**SUMMARY**

This project was initiated to establish a panel of suppliers to complete Bushland Maintenance and Fuel Management services on Council owned and managed roadsides, reserves, road reserves and other sites for up to seven (7) years.

An advertisement calling for tenders was placed in The Age newspaper on Saturday March 3, 2018. Tenders closed on Wednesday March 28 and 28 submissions were received.

The evaluation panel recommends the following schedule of rates tenders be accepted:

<table>
<thead>
<tr>
<th>No.</th>
<th>Tenderer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aspect Construction Pty Ltd trading as Indigwedo-Bushland Restoration</td>
</tr>
<tr>
<td>2</td>
<td>Diverse Bush Management Pty Ltd</td>
</tr>
<tr>
<td>3</td>
<td>Eastern Access Community Health (EACH)</td>
</tr>
<tr>
<td>4</td>
<td>Envirotechniques Pty Ltd</td>
</tr>
<tr>
<td>5</td>
<td>Forest to Foreshore Pty Ltd</td>
</tr>
<tr>
<td>6</td>
<td>Gilgai Environmental Services Pty Ltd</td>
</tr>
<tr>
<td>7</td>
<td>Indigenous Design Environmental Services Pty Ltd</td>
</tr>
<tr>
<td>8</td>
<td>Michael Ross Dickson Trading as Natural Land Management</td>
</tr>
<tr>
<td>9</td>
<td>Native Vegetation Management Pty Ltd trading as Weedsmart</td>
</tr>
<tr>
<td>10</td>
<td>Platypus Environmental Services Pty Ltd</td>
</tr>
<tr>
<td>11</td>
<td>The Trustee for D &amp; S Brindley Family Trust (Environmental Restorations)</td>
</tr>
<tr>
<td>12</td>
<td>Treloar Environmental Services Pty Ltd</td>
</tr>
<tr>
<td>13</td>
<td>Yarra Ranges Fire Management Pty Ltd</td>
</tr>
</tbody>
</table>

The total value of this contract for seven years is estimated to be $2,444,243 exclusive of GST ($2,688,668 inclusive of GST), and assumes a fixed Consumer Price Index increase of 1.02%.

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.
RECOMMENDATION

That

1. Council awards the tender from: Aspect Construction Pty Ltd trading as Indigwedo-Bushland Restoration; Diverse Bush Management Pty Ltd; EACH; Envirotechniques Pty Ltd; Forest to Foreshore Pty Ltd; Gilgai Environmental Services Pty Ltd; Indigenous Design Environmental Services Pty Ltd; Michael Ross Dickson trading as Natural Land Management; Native Vegetation Management Pty Ltd trading as Weedsmart; Platypus Environmental Services Pty Ltd; The Trustee for D & S Brindley Family Trust; Treloar Environmental Services Pty Ltd and Yarra Ranges Fire Management Pty Ltd for CT5476 Bushland Maintenance & Fuel Management for a schedule of rates contract with a combined estimated total contract value of $2,444,243.94 exclusive of GST ($2,688,668.33 inclusive GST).

2. The contract documents be signed.

3. 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.

DECLARATION OF CONFLICT OF INTEREST

All members of the tender evaluation panel signed a conflict of interest declaration. Any declared conflicts of interest were managed in accordance with procurement policy.

PROPOSAL

To seek Council approval to enter into a non-exclusive panel deed contracts for the provision of CT5476 Bushland Maintenance and Fuel Management Services.

BACKGROUND

Bushland Maintenance and Fuel Management Services are required for Council managed roadsides, reserves, road reserves and other sites.

The aim of Bushland Maintenance is to ensure sites are maintained and improved according to budget and agreed outcomes with respect to amenity, biodiversity, environmental values and bushfire risk management. Service objectives comprise annual completion of a program of regular works at each site, the protection and maintenance of sustainable populations of indigenous plant communities, completion and maintenance of revegetation plantings, maintenance of ecological systems in accordance with Council’s Code of Environmental Practice and the reduction and/or containment of weeds to agreed standards.

The aim of Fuel Management is the timely completion of Council’s fuel reduction service as part of bushfire management operations in various sites, some of which have difficult, sloping terrain and limited access.

This contract comprises 397 roadsides, 140 reserves, 20 road reserves and 43 other sites.
Tender responses were received from the following parties:

1. Aspect Construction Pty Ltd trading as Indigwedo-Bushland Restoration
2. Brennan Contracting Pty Ltd
3. Diverse Bush Management Pty Ltd
4. EACH (Eastern Access Community Health)
5. Envirotechoniques Pty Ltd
6. Forest to Foreshore Pty Ltd
7. Gilgai Environmental Services Pty Ltd
8. Graham John Peterson trading as Eco-Repair
9. Hallyburton Engineering Pty Ltd trading as Woods Environmental
10. Herbert Group Holdings Pty Ltd trading as Herbert Contractors
11. HLM Aust Pty Ltd trading as Habitat Land Management
12. Indigenous Design Environmental Services Pty Ltd
13. Kleinfelder Australia Pty Ltd
14. Landlinks Environmental Services Pty Ltd
15. Land Management Systems Pty Ltd
16. Michael Ross Dickson trading as Natural Land Management
17. Native Vegetation Management Pty Ltd
18. Nature Links Landscape Management Pty Ltd
19. Operation Revegetation Pty Ltd
20. Platypus Environmental Services Pty Ltd
21. The Trustee for D & S Brindley Family Trust trading as Environmental Restorations
22. The Trustee for HG Group Trust (Haas & Gray)
23. The Trustee for The Chynoweth Family Trust trading as Felix Botanica
24. The Trustee for The KJ Wallace Discretionary Trust trading as ETS Vegetation Management
25. Treloar Environmental Services Pty Ltd
26. Wandin Tree Service Pty Ltd
27. Yarra Ranges Contracting Pty Ltd

28. Yarra Ranges Fire Management Pty Ltd.

STRATEGIC LINKS

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

CONSULTATION

Stakeholders of this process were included as non-voting representatives.

FINANCIAL IMPLICATIONS

An amount of up to $2,300,000 is available within operational budgets for Bushfire Preparedness Parks and Bushland and Bushland Environmental Maintenance to contribute to this contract for the 2018/2019 financial year. Future funding from these areas are available for the remainder of this contract through forecast operational budgets.

The combined first year cost of the proposed contract is $2,300,000 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 1.02% are summarised in the following table:

<table>
<thead>
<tr>
<th>Contract Year</th>
<th>Projected Cost (ex. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$2,300,000.00</td>
</tr>
<tr>
<td>2</td>
<td>$2,323,435.50</td>
</tr>
<tr>
<td>3</td>
<td>$2,347,109.80</td>
</tr>
<tr>
<td>4</td>
<td>$2,371,025.32</td>
</tr>
<tr>
<td>5</td>
<td>$2,395,184.52</td>
</tr>
<tr>
<td>6</td>
<td>$2,419,589.89</td>
</tr>
<tr>
<td>7</td>
<td>$2,444,243.94</td>
</tr>
</tbody>
</table>

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. A summary of non-conforming tender submissions is contained within the confidential attachment to this report.
The evaluation panel scored the remaining conforming tenders against the pre-established evaluation criteria, as published in the tender document. A summary of the evaluation criteria follows:

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>40%</td>
</tr>
<tr>
<td>Capability/Capacity</td>
<td>40%</td>
</tr>
<tr>
<td>Quality/Sustainability</td>
<td>10%</td>
</tr>
<tr>
<td>Environmental Management</td>
<td>10%</td>
</tr>
<tr>
<td>TOTAL Quantitative &amp; Qualitative</td>
<td>100%</td>
</tr>
</tbody>
</table>

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 10% of the overall qualitative evaluation.

A summary of the recommended tenderers response to local and social sustainability is summarised as per the following table:
<table>
<thead>
<tr>
<th>Recommended Tenderer</th>
<th>Business Located within Yarra Ranges Shire</th>
<th>Depot Located within Yarra Ranges Shire</th>
<th>Staff Employed that Reside within Yarra Ranges Shire</th>
<th>Socially Sustainable Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspect Construction Pty Ltd trading as Indigwedo-Bushland Restoration</td>
<td>Y – Launching Place</td>
<td>Y – Wandin North</td>
<td>6</td>
<td>Are able to offer employment and training to community members who experience significant multiple barriers to long-term unemployment, provided that any applicants are able to satisfy job requirements and that we have sufficient volume of work to provide meaningful long-term employment and company policy to purchase locally.</td>
</tr>
<tr>
<td>Diverse Bush Management Pty Ltd</td>
<td>Y - Sassafras</td>
<td>Y - Sassafras</td>
<td>9</td>
<td>Strongly believes in generating local employment and providing on-going job opportunities for young people leaving environmental traineeships or programs. Half of their staff comes from Green Army or associations with local Friend’s Groups. They work with local Friend’s Groups as volunteers, attend community training events and provide practical advice to local residents / community groups.</td>
</tr>
<tr>
<td>EACH</td>
<td>N - Ringwood</td>
<td>Y - Lilydale</td>
<td>EACH - 200 and Growing Together in Horticulture - 3</td>
<td>The Growing Together in Horticulture program has been modelled as a mission based Social Enterprise with increasing employment opportunities and outcomes for Yarra Ranges’ residents being the main driver. They recruit people experiencing social disadvantage and provide formal employment, supervision and training, providing a pathway to ongoing employment and a better quality of life.</td>
</tr>
<tr>
<td>Recommended Tenderer</td>
<td>Business Located within Yarra Ranges Shire</td>
<td>Depot Located within Yarra Ranges Shire</td>
<td>Staff Employed that Reside within Yarra Ranges Shire</td>
<td>Socially Sustainable Practices</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------</td>
<td>-----------------------------------------</td>
<td>-------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Envirotechniques Pty Ltd</td>
<td>N - Eltham</td>
<td>N - Eltham</td>
<td>4</td>
<td>Have a policy to employ locally, employs from a diverse range of backgrounds including students, unemployed youth, early school leavers, Green Army participants, ethnically diverse, aboriginal, people with a disability etc.</td>
</tr>
<tr>
<td>Forest to Foreshore Pty Ltd</td>
<td>Y - Kallista</td>
<td>Y - Kallista</td>
<td>4</td>
<td>Contribute skills and knowledge to local Friend’s Groups through workshops, talks, loan of tools and equipment. Staff volunteers their time in a range of community groups and organisations.</td>
</tr>
<tr>
<td>Gilgai Environmental Services Pty Ltd</td>
<td>N – Panton Hill</td>
<td>N – Panton Hill</td>
<td>2</td>
<td>Has a long history of working with local volunteer groups like Landcare and Friends Groups and run activity and training days with Green Army and Polytechnic groups. Staff come from the local area and consists of a broad range of ages.</td>
</tr>
<tr>
<td>Indigenous Design Environmental Services Pty Ltd</td>
<td>N - Research</td>
<td>N - Research</td>
<td>7</td>
<td>Assist local Landcare and Friends Groups, recently employed 3 Green Army graduates and makes regular donations to charitable organisations.</td>
</tr>
<tr>
<td>Michael Ross Dickson trading as Natural Land Management</td>
<td>N – Benalla but will have moved back to Yarra Ranges Shire by 1 July 2018</td>
<td>Y - Coldstream</td>
<td>4</td>
<td>Employs locally where possible, utilises employment agencies that specialise in providing opportunities for the young, indigenous and people with disabilities and also purchases locally where possible.</td>
</tr>
</tbody>
</table>
**Recommended Tenderer** | **Business Located within Yarra Ranges Shire** | **Depot Located within Yarra Ranges Shire** | **Staff Employed that Reside within Yarra Ranges Shire** | **Socially Sustainable Practices**
--- | --- | --- | --- | ---
Native Vegetation Management Pty Ltd trading as Weedsmart | Y - Clematis | Y - Clematis | 5 | The owner is a member of many local Landcare Groups and has supported Tamil refugees, and participated in community planting days.

Platypus Environmental Services Pty Ltd | N - Hallston | N – Croydon South by 1 July 2018 | 8 | Committed to providing opportunities and youth development in the environmental industry and employ many graduates. Recently employed long-term unemployed mature age staff local to Yarra Ranges.

The Trustee for D & S Brindley Family Trust (Environmental Restorations) | N - Somerville | N – Moorooduc & Genoa | 1 | Employ disadvantaged residents and early school leavers from Mornington Peninsula Shire, donates a percentage of company profit to non-profit conservation groups and sport clubs and donates time to speaking at Landcare functions and Trust for Nature Events.

Treloar Environmental Services Pty Ltd | Y - Warburton | Y - Warburton | 6 | Will look at creating a trainee opportunity for 1 unemployed youth or long term unemployed.

Yarra Ranges Fire Management Pty Ltd | Y - Lilydale | N - Kilsyth | 13 | All staff employed are residents of the local community and all materials are purchased from within Yarra Ranges.

**Economic Impacts**

A summary of the recommended tenderers economic commitment is summarised as per the following table:
<table>
<thead>
<tr>
<th>Recommended Tenderer</th>
<th>Anticipated Percentage of Goods, Services and Materials Required for this Contract to be Sourced within Yarra Ranges Shire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspect Construction Pty Ltd trading as Indigwedo-Bushland Restoration</td>
<td>90%</td>
</tr>
<tr>
<td>Diverse Bush Management Pty Ltd</td>
<td>90%</td>
</tr>
<tr>
<td>EACH</td>
<td>97%</td>
</tr>
<tr>
<td>Envirotechniques Pty Ltd</td>
<td>100%</td>
</tr>
<tr>
<td>Forest to Foreshore Pty Ltd</td>
<td>70%</td>
</tr>
<tr>
<td>Gilgai Environmental Services Pty Ltd</td>
<td>70%</td>
</tr>
<tr>
<td>Indigenous Design Environmental Services Pty Ltd</td>
<td>100%</td>
</tr>
<tr>
<td>Michael Ross Dickson trading as Natural Land Management</td>
<td>90% of new purchases</td>
</tr>
<tr>
<td>Native Vegetation Management Pty Ltd trading as Weedsmart</td>
<td>40%</td>
</tr>
<tr>
<td>Platypus Environmental Services Pty Ltd</td>
<td>95%</td>
</tr>
<tr>
<td>The Trustee for D &amp; S Brindley Family Trust (Environmental Restorations)</td>
<td>10%</td>
</tr>
<tr>
<td>Treloar Environmental Services Pty Ltd</td>
<td>90%</td>
</tr>
<tr>
<td>Yarra Ranges Fire Management Pty Ltd</td>
<td>100%</td>
</tr>
</tbody>
</table>

**Risk Assessment**

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

**CONCLUSION**

That Council adopts the recommendations within this report.

**ATTACHMENTS**

1. Attachment for CT5476 Bushland Maintenance & Fuel Management *(Confidential)*
ITEM 7.8

7.8 Contract No CT5605 Construction of Monbulk Community Sports Pavilion

RESPONSIBLE OFFICER Director Environment & Engineering

SUMMARY

This project was initiated to engage a construction company to construct the Monbulk Community Sports Pavilion. The pavilion will provide a permanent home for sport and recreation groups in Monbulk and support the core sports needs of football, netball and cricket for the next fifty years plus, encourage participation in recreational and sporting activities and complement existing community facilities in Monbulk.

Four (4) prequalified suppliers from the Department of Treasury and Finance Construction Supplier Register were invited to participate in a selective tender for this project on January 25, 2018. Council use the Construction Supplier Register as this list is approved by the Minister of Local Government under section 186(5) (c) of the Local Government Act 1989 and is therefore compliant with Council’s legislative requirements.

The evaluation panel recommends Rodine Australia Pty Ltd for a total lump sum price of $3,454,834 (exclusive of GST, tender options and provisional sum options).

The budget required for the construction of the pavilion including a 10% construction contingency is $3,800,317. The available budget for the total construction of the pavilion is $3,400,411 which leaves a shortfall in funding of $399,906. Refinements to the project occurred during the tender process to reduce costs to those presented, however it was not possible to reduce costs further to meet the budget target. It is requested that the budget shortfall be provided from available funding within Council’s Asset Renewal Reserve.

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.

RECOMMENDATION

That

1. Council awards the tender from Rodine Australia Pty Ltd for CT5605 Construction of Monbulk Community Sports Pavilion for the total lump sum price of $3,454,834 (GST exclusive) ($3,800,317.40 GST inclusive) and exclusive of tender options and provisional sum options.

2. The budget shortfall of $399,906 (exclusive of GST) be provided from funding available within Council’s Asset Renewal Reserve.

3. Any funds unused from the project’s construction contingency allowance be returned to Council’s Asset Renewal Reserve for reallocation to other projects.

4. The contract documents be signed.
5. 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.

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

To seek Council approval to enter into a contract for construction of the Monbulk Community Sports Pavilion.

BACKGROUND

The Monbulk Community Sports Pavilion will replace the existing inadequate building with a new facility that will serve the community for decades to come. As per the Council’s Pavilion Audit conducted in 2017, the current pavilion is listed as number five (5) priority for the most in need for redevelopment.

The new pavilion will include accessible change spaces, a gym, canteen kitchen, bar and storage areas and offers a central place to hold meetings, social gatherings and community events. Other recreation, educational and community groups will also benefit through access to meeting rooms and the community activity/social space.

Following completion of the design documentation phase, a pre-tender estimate was sought from an independent quantity surveyor. This pre-tender estimate met the project budget. Council invited tenders from selected construction companies and tender responses were received from the following parties:

1. Circon Constructions Pty Ltd
2. Ducon Maintenance Pty Ltd
3. MelbCon Pty Ltd
4. Rodine Australia Pty Ltd.

Tendered lump sum prices substantially exceeded the pre-tender estimate.

Tenderers confirmed the current busy market is driving higher subcontractor prices which are due in part to the volume of work being released by the State Government.

The project architect investigated possible changes to proposed construction techniques and specified materials to create savings. Three value management process savings were realised and priced by tenderers. Whilst substantial savings were made, revised tendered lump sum prices exceed the pre-tender estimate and equates to a final budget shortfall of $399,906 based on acceptance of the tendered lump sum price from Rodine Australia Pty Ltd plus a 10% construction contingency allowance.
STRATEGIC LINKS

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

CONSULTATION

The project went through a thorough consultation and planning process during the design and documentation phases; including regularly meeting with stakeholders and end users.

FINANCIAL IMPLICATIONS

An amount of up to $3,400,411 (exclusive of GST) is available within Council’s Capital Expenditure Program (Monbulk Community Sports Pavilion) for the project.

A majority (70.6%) of the budget for this project is externally funded and contingent on milestone requirements, some of which have not been met to date.

Budget funding sources are summarised in the below table:

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
<th>External Funding Milestone Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yarra Ranges Council</td>
<td>$1,000,411</td>
<td>None</td>
</tr>
<tr>
<td>Federal Government – The Community Development Grant Program</td>
<td>$600,000</td>
<td>Yes</td>
</tr>
<tr>
<td>State Government – Growing Suburbs Fund</td>
<td>$1,000,000</td>
<td>Yes</td>
</tr>
<tr>
<td>State Government – Community Sports Infrastructure Fund Election Commitments</td>
<td>$600,000</td>
<td>Yes</td>
</tr>
<tr>
<td>Monbulk Recreation Reserve Development Group Inc.</td>
<td>$200,000</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>TOTAL BUDGET</strong></td>
<td><strong>$3,400,411</strong></td>
<td></td>
</tr>
</tbody>
</table>

The evaluation panel recommends Rodine Australia Pty Ltd for a total lump sum price of $3,454,834 (exclusive of GST, tender options and provisional sum options).

Through the delivery of construction projects unforeseen issues often arise that may result in variation to the project in accordance with the contract for the works. In order to cover any of these latent defects or design deficiencies that may occur during construction a 10% construction contingency allowance is typically set aside in Council’s budget for projects. Council staff administer any variations that arise and report these to Council on a monthly basis in accordance with delegations set by Council.

In order to be able to deliver this project, a construction contingency allowance of $345,483 is considered to be required bringing the required project budget to $3,800,317. This amount exceeds Council’s available budget for this project by $399,906.

It is proposed that this shortfall of funds be allocated from Council’s Asset Renewal Reserve, as the original Council funding for the project has been sourced from the Capital
Expenditure Program – Buildings New Works & Improvements, Recreation Facilities program and has not relied upon Asset Renewal Funding.

The additional funding of $399,906 will establish a project budget that can facilitate construction of the base design and achieve a fit for purpose sporting facility.

It is recommended that any portion of the 10% contingency allowance of $345,483 that is not required is returned to the Asset Renewal Reserve for allocation to other projects on the basis that this is a further contribution from Council over and above that identified in any of the funding applications or agreements with other funding partners.

This project is anticipated to commence 1 July 2018 and is anticipated to reach practical completion by June 2019.

**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 remaining conforming tenders against the pre-established evaluation criteria, as published in the tender document. A summary of the evaluation criteria follows:

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>BVI*</td>
</tr>
<tr>
<td>Capability/Capacity</td>
<td>45%</td>
</tr>
<tr>
<td>Quality/Sustainability</td>
<td>20%</td>
</tr>
<tr>
<td>Timeframes</td>
<td>35%</td>
</tr>
<tr>
<td><strong>TOTAL Qualitative</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

*A Best Value Index (BVI) equation is used to rank tender submissions and is determined by dividing tenderers total qualitative score by the price or tendered lump sum price. A total qualitative score is calculated by adding the weighted scores for each criterion. The total cost is then divided into the Tenderers total qualitative score to obtain a Best Value Index. Tenderers with the highest BVI are considered to present the Best Value Outcome for Council.

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 13% of the overall qualitative evaluation.

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

<table>
<thead>
<tr>
<th>Recommended Tenderer</th>
<th>Business Located within Yarra Ranges Shire</th>
<th>Number of Staff Employed that Reside Within Yarra Ranges Shire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rodine Australia Pty Ltd</td>
<td>No - Ringwood</td>
<td>1</td>
</tr>
</tbody>
</table>

**Economic Impacts**

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

<table>
<thead>
<tr>
<th>Recommended Tenderer</th>
<th>Anticipated Percentage of Goods, Services and Materials Required for this Contract to be Sourced within Yarra Ranges Shire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rodine Australia Pty Ltd</td>
<td>25%</td>
</tr>
</tbody>
</table>

**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. Attachment for CT5605 Construction of Monbulk Community Sports Pavilion *(Confidential)*
7.9 Recycling Contract Update

RESPONSIBLE OFFICER
Director Environment & Engineering

SUMMARY
As a result of restrictions China has introduced relating to recyclable material that will be received the Waste and Recycling industry has had to implement alternative measures. Council’s Waste Management team have been working with various state agencies and our contracted recycling service provider, Visy Industries, to put processes in place to vary the current contract for receiving recyclables.

The process is maturing but not complete and to meet the State Government timelines associated with the Ministerial Exemption for the contract revision, Council approval is sought to provide the Chief Executive Officer with delegated authority to enter into and sign off of contract variations.

RECOMMENDATION

That

1. Council authorises the Chief Executive Officer to enter into contractual variations to CQ5010 Sale of Recyclables that result from current negotiations in response to recycling industry changes.

2. 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.

DISCLOSURE OF CONFLICTS OF INTEREST

The officer writing this report has no conflict of interest.

PROPOSAL

The Chief Executive Officer be provided with delegated authority to enter into changed contractual arrangements with Visy Industries resulting from changes in the recycling sector.

BACKGROUND

Over the last 4 months, since the introduction of the recycling ban in China, Council staff have been working to ensure the continuation of an effective recycling service for the community. This has included working with the Metropolitan Waste Resource Recovery Group (MWRG), Local Government Victoria (LGV), Municipal Association Victoria (MAV), and Council’s Procurement and Waste Management teams.

In response to the recycling sector challenges, the State Government, approved an immediate $12 million support fund through Local Government Victoria from the Sustainability Fund to support councils in meeting some of the immediate cost pressures resulting from China’s decision to restrict the import of recyclable materials.
Council has applied for this funding and was successful in that application. This fund provides for the expense for paying for recycling services between 1 March 2018 and 30 June 2018. It does not cover Council costs beyond 30 June 2018, and will not cover the loss of income that Council has forgone under the original contract agreement with Visy Industries.

The resulting changes from the recycling ban in China has turned recyclables from an income stream to a processing expense. Recycling however is still cheaper and more environmentally responsive than sending material to landfill. These changes also impact on Council’s current contract with Visy Industries for receiving recyclables and required procurement approvals including section 186 of the Local Government Act.

It is considered that there are significant contract implications with Council’s contract with Visy Industries and therefore an application was submitted for a Ministerial Exemption in accordance with the Local Government Act to enable continuation with the current recycling contract, without having to go out to tender in the immediate term. The approved Ministerial Exemption (attached) allows negotiation of a contract variation for the provision of this service until 30 June 2020 (two years shorter than the current contract term). This variation will result in a change to the cost per tonne of recyclable materials processed.

One condition of meeting the Ministerial Exemption is that the new varied contract is signed with the contractor prior to 30 June 2018.

Negotiations regarding terms and conditions are still being finalised, and the legal documents covering the variation still need to be completed.

To meet the 30 June deadline, it is requested that the Chief Executive Officer be provided with delegated authority to negotiate and sign off the contract variation.

Specific details of the negotiation are covered in the confidential attachment are Commercial in Confidence.

STRATEGIC LINKS

Council’s Waste Management Plan 2016-2026 sets out objectives for managing waste and recyclables across the municipality.

Council’s Environment Strategy 2015-2025 sets out objectives for reducing the impact of activities associated with Council and the community on the environment.

CONSULTATION

Due to confidentiality requirements under the contract, consultation has been contained to Council’s Waste Management team and Procurement Services team.

Information has been distributed to the community through Council’s website, local and national media of the changes in the recycling sector, encouraging the community to continue recycling whilst alternative arrangements are established for managing and processing recyclables.
FINANCIAL IMPLICATIONS

The anticipated cost implications of the variation to the Recycling Services contract have been modelled into Council’s 2018/19 Budget. Once the variation is finalised, a further report to Council will be provided clarifying these implications.

KEY ISSUES

Negotiations are still underway with Council’s contractor to finalise a contract variation.

Time restrictions are in place in regards to finalising amendments in order to comply with the State Government exemption.

Environmental Impacts

Continuation of services under this variation will ensure continued recycling of kerbside recycling material.

Social Impacts

These have been considered and do not apply.

Economic Impacts

These have been considered and do not apply.

Risk Assessment

Provision of delegated authority to the Chief Executive Officer is required to achieve deadlines set by the State Government to comply with the Ministerial Exemption requirements.

CONCLUSION

The negotiations with Visy Industries are currently being finalised, however due to the requirements under the Ministerial Exemption to negotiate both an arrangement from March until 30 June 2018 as well as terms for 1 July 2018 to 30 June 2020, it will be necessary for the Chief Executive Officer to be provided with authority on behalf of the Council to finalise agreements to achieve required timeframes.

ATTACHMENTS

1 Ministerial Exemption for Recycling Services
2 Recycling Industry Confidential Update (Confidential)
LOCAL GOVERNMENT ACT 1989
SECTION 166
APPROVAL OF ARRANGEMENTS

I, Marlene Kairouz, Minister for Local Government, pursuant to section 166(5)(c) of the Local Government Act 1989, approve the following arrangements:

The municipal councils listed in Column 1 of the Schedule may enter into contracts with the corresponding providers listed in Column 2 of the Schedule, from any time from the date of this approval until 30 June 2018, where the contract concerns the provision of kerbside recycling services, and such services are provided from any time from the date of this approval until 30 June 2020.

HON MARLENE KAIROUZ MP
Minister for Local Government

28 MAR 2018
7.10 Contract No CT5681 (State Government Motor Vehicle Contract SS-01-2018)

RESPONSIBLE OFFICER  Director Environment & Engineering

SUMMARY

The Victorian Government Department of Treasury and Finance recently retendered an Open State Motor Vehicle Purchase Contract covering a range of passenger, light commercial and heavy commercial vehicles.

Council may, at its discretion, use State Government Contracts as per the Local Government Act, Section 186 – Approval of Arrangements.

Council has been utilising the Victorian Government Motor Vehicle Contract (SS-06-2012) since October 2013 and realised significant resource savings by not undertaking a three quote process for each vehicle purchase, without compromise to vehicle quality. The Open State Contract is established in a way that allows Council to procure a significant portion of required fleet vehicles through local dealerships, enabling Council to continue to support local business.

This item has been included in the public agenda to facilitate openness and transparency in Council’s decision making.

RECOMMENDATION

That Council approves the use of the Open State Motor Vehicle Contract for the initial period of three years for an approximate anticipated expenditure of $3,000,000 excluding GST ($3,300,000 including GST).

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

To seek Council approval to enter into the Open State Motor Vehicle Contract for an approximate anticipated expenditure of $3,000,000 excluding GST ($3,300,000 including GST) over three years.

BACKGROUND

Council has been utilising the prior State Government open contract for the provision of motor vehicles since October 2013, which has now expired. The new open contract has now been established, SS-01-2018.
Without this contract a three quote process would be required for every purchase and the winning quote may be awarded to suppliers outside the municipality. This contract allows Council to purchase directly from local suppliers.

**STRATEGIC LINKS**

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

**CONSULTATION**

No stakeholders were consulted in Council’s evaluation of this contract.

**FINANCIAL IMPLICATIONS**

The estimated spend to the year 2021, based on the current fleet vehicle replacement program for existing vehicles, is $3,000,000. Vehicle auction sales will also subsidise future purchases. As this contract has no end date, the total contract value is anticipated to be greater than this.

The purchase of vehicles is funded through Council’s Capital Expenditure Program – Plant and Equipment Renewal.

There is no end date for the open contract SS-01-2018. This contract is ongoing.

**KEY ISSUES**

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

The range of motor vehicles to be supplied under the State Government panel agreement includes:

- Passenger Motor Vehicles
- Light Commercial Motor Vehicles
- Police Vehicles
- Heavy Vehicles greater than 3.5 Tonne, as described below in Table 1.

**Table 1: Range of Motor Vehicles**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger</td>
<td>Sedan/Hatch/Wagon (Small)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sedan/Hatch/Wagon (Medium)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sedan/Hatch/Wagon (Large)</td>
<td></td>
</tr>
</tbody>
</table>
Passenger Vehicle (High Environmental Performance) | Hybrid/Electric
---|---
Sports Utility Vehicles (Small)  
Sports Utility Vehicles (Medium)  
Sports Utility Vehicles (Large)  

<table>
<thead>
<tr>
<th>Light Commercial</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4x4 Wagon (Small)</td>
<td></td>
</tr>
<tr>
<td>4x4 Wagon (Medium)</td>
<td></td>
</tr>
<tr>
<td>4x4 Wagon (Large)</td>
<td></td>
</tr>
<tr>
<td>People Mover</td>
<td></td>
</tr>
<tr>
<td>4x2 / 4x4 Pick up/cab chassis/utility</td>
<td></td>
</tr>
<tr>
<td>Van</td>
<td></td>
</tr>
<tr>
<td>Light Bus</td>
<td></td>
</tr>
</tbody>
</table>

Heavy Commercial | Heavy Commercial vehicles and trucks up to 8 tonnes

The open panel contract currently has 16 suppliers included:

<table>
<thead>
<tr>
<th>Item</th>
<th>Supplier</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>BMW Australia</td>
</tr>
<tr>
<td>2.</td>
<td>Fiat Chrysler Australia (includes Jeep)</td>
</tr>
<tr>
<td>3.</td>
<td>Ford</td>
</tr>
<tr>
<td>4.</td>
<td>General Motors Holden</td>
</tr>
<tr>
<td>5.</td>
<td>Hyundai</td>
</tr>
<tr>
<td>6.</td>
<td>Iveco Trucks</td>
</tr>
<tr>
<td>7.</td>
<td>Kia Australia</td>
</tr>
<tr>
<td>8.</td>
<td>Mercedes Benz Passenger</td>
</tr>
<tr>
<td>9.</td>
<td>Mercedes Benz Vans</td>
</tr>
<tr>
<td>10.</td>
<td>Mitsubishi Australia</td>
</tr>
<tr>
<td>11.</td>
<td>Nissan Australia</td>
</tr>
<tr>
<td>12.</td>
<td>Peugeot</td>
</tr>
<tr>
<td>13.</td>
<td>Renault</td>
</tr>
<tr>
<td>14.</td>
<td>Subaru</td>
</tr>
<tr>
<td>15.</td>
<td>Toyota Australia</td>
</tr>
<tr>
<td>16.</td>
<td>Volkswagen (includes Skoda)</td>
</tr>
</tbody>
</table>

The State agreement term is ongoing and will remain in force until the Department of Treasury and Finance cancels a pre-qualification or dissolves the panel. Department of Treasury and Finance may also refresh the panel at its discretion. It is expected that the first refresh period will not occur until early 2019.

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

Fleet vehicles will continue to be purchased as per the Council Vehicle Policy which contains a strong environmental framework.

Social Impacts

Local and social sustainability were considered as part of the evaluation process. Using local business dealerships may mean local residents are continued to be employed.

Economic Impacts

Under the new contract, Council is still able to purchase vehicles from local dealerships, supporting local business and residents.

Risk Assessment

This has been considered as part of the evaluation process.

CONCLUSION

That Council adopts the recommendations within this report.

ATTACHMENTS

Nil
7.11 Contract No CT5294 Provision of Fully Maintained Operating Leases, Fleet Management Services and Fleet Customer Support Services

RESPONSIBLE OFFICER  Director Environment & Engineering

SUMMARY

This tender comprises the following three parts:

- Part 1 – Provision of Fully Maintained Operating Leases
- Part 2 – Provision of Fleet Management Services

Tenderers were given the option to tender for any one or all of the three (3) parts of the Service with the preference being for tenders that offered a holistic service solution incorporating all of the three parts from one Contractor.

This tender was initiated with the intention of testing the market to identify efficient and compliant fleet ownership and fleet management models for Council’s fleet requirements.

An advertisement calling for tenders was placed in The Age newspaper on Saturday 10 March 2018. Tenders closed on Wednesday 4 April 2018 and nine (9) submissions were received.

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.

RECOMMENDATION

That

1. Council awards the tender from Fleet Partners Pty Ltd for CT5294 Provision of Fully Maintained Operating Leases and Fleet Management Services for a schedule of rates contract with an estimated total contract value of $2,969,378.40 exclusive of GST ($3,266,316.24 inclusive GST), for a ten (10) year period with Council having the sole option to terminate any time after the first three (3) years with six (6) months notice.

2. The contract documents be signed.

3. 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.
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

To seek Council approval to enter into a contract for:

- Part 1 – Provision of Fully Maintained Operating Leases: This service component includes the purchase, management and disposal of fleet assets for Council. The intention with Fully Maintained Operating Leases is to utilise an alternative form of ownership, one that does not involve use of Council’s capital funds. Services would be implemented over time as suitable Fleet Assets become due for replacement. A decision to pursue a Fully Maintained Operating Lease arrangement for a specified Fleet Asset will depend on the Contractor’s value proposition to Council on a case by case basis.

- Part 2 – Provision of Fleet Management Services. This service component includes management (wherever possible) of fleet owned by Council.

Parts 1 and 2 above include customer support services. Part 3 – Customer Support Services was included for fleet assets not covered by Part 1 or Part 2. The preferred supplier includes all of the fleet assets under Parts 1 and 2 of the Services.

Through this tender process, the evaluation panel identified a high value proposition in the outsourcing of Council’s fleet management tasks i.e. Fleet Management Services which can commence following the contract award.

Additional investigations will need to be undertaken to explore further value propositions through lease arrangements. These investigations will explore the standardisation of fleet and business/private utilisation.

Therefore, the evaluation panel recommends that Council accept the tender for both Fleet Management Services and Fully Maintained Operating Leases and temporarily delay the progression to Fully Maintained Operating Leases for passenger vehicles to allow the additional investigations to take place.

BACKGROUND

Council has approximately 540 Fleet Assets, including trucks, passenger and light commercial vehicles and items of plant and equipment. The fleet is currently owned and managed by Council.

In 2016, an expression of interest was conducted to identify the market capability and indicative costs of leasing versus Council’s current in house fleet management and ownership model.

As a result of this enquiry identifying positive outcomes for Fleet services, a tender has been called for a future business model in which some or all Fleet Assets are managed through one or more of the following Service Categories:
<table>
<thead>
<tr>
<th>Service Category</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 1:</td>
<td><strong>Fully Maintained Operating Leases</strong> At Council’s request, the nominated Contractor shall provide (wherever possible) a competitive Fully Maintained Operating Lease for a new Fleet Asset.</td>
</tr>
<tr>
<td>and/or Part 2:</td>
<td><strong>Fleet Management Services</strong> At Council’s request, the nominated Contractor shall provide Fleet Management Services (wherever possible) for Fleet Owned by Council.</td>
</tr>
<tr>
<td>and/or Part 3:</td>
<td><strong>Customer Support Service</strong> For Fleet Assets not covered by Part 1 or Part 2, the nominated Contractor shall provide 24/7 phone support for customer enquiries.</td>
</tr>
</tbody>
</table>

Tender responses were received from the following parties:

<table>
<thead>
<tr>
<th>No.</th>
<th>Tenderer</th>
<th>Address</th>
<th>Tendered price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fleet Partners Pty Ltd</td>
<td>Level 3, 40 Riverside Boulevard, Richmond VIC 3121</td>
<td>Schedule of Rates</td>
</tr>
<tr>
<td>2</td>
<td>Custom Service Leasing Pty Ltd t/a Custom Fleet</td>
<td>Level 9, 32 Phillip Street, Parramatta NSW 2150</td>
<td>Schedule of Rates</td>
</tr>
<tr>
<td>3</td>
<td>Gecko Signs VIC</td>
<td>Factory 6, 91-99 Beresford Road, Lilydale VIC 3140</td>
<td>Schedule of Rates</td>
</tr>
<tr>
<td>4</td>
<td>Lease Plan Australia Limited</td>
<td>Level 7, South Wharf Tower, 30 Convention Centre Place, South Wharf VIC 3006</td>
<td>Schedule of Rates</td>
</tr>
<tr>
<td>5</td>
<td>Orix Australia Corporation Limited</td>
<td>1 Eden Park Drive, Macquarie Park NSW 2747</td>
<td>Schedule of Rates</td>
</tr>
<tr>
<td>6</td>
<td>SG Fleet Pty Ltd</td>
<td>Level 2, Building 3, 20 Bridge Street, Pymble NSW 2073</td>
<td>Schedule of Rates</td>
</tr>
<tr>
<td>7</td>
<td>Smartfleet Management Pty Ltd</td>
<td>Level 8, 550 Bourke Street, Melbourne VIC 3000</td>
<td>Schedule of Rates</td>
</tr>
<tr>
<td>8</td>
<td>Summit Auto Lease Australia Pty Ltd t/a Summit Fleet</td>
<td>206 Bell Street, Preston VIC 3072</td>
<td>Schedule of Rates</td>
</tr>
<tr>
<td>9</td>
<td>Volkswagen Financial Services Australia Pty Ltd t/a Volkswagen Financial services, Audi Financial services, Skoda Financial services</td>
<td>Level 1, 24 Muir Road, Chullora NSW 2190</td>
<td>Schedule of Rates</td>
</tr>
</tbody>
</table>

**STRATEGIC LINKS**

By recommending a supplier that presents a best value outcome, this report supports Council’s strategy for long term financial sustainability.
CONSULTATION

Staff within the organisation have been consulted and agree with the recommendations within this report. Reference checks with other organisations with these services in place have also occurred.

FINANCIAL IMPLICATIONS

Funding for the service is available within Council’s Strategy and Sustainability department operating budget.

The Services can commence within three months from award. The engagement of the Contractor will be for a ten (10) year period with Council having the sole option to terminate any time after the first three (3) years with six (6) months notice.

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. A summary of these tender submissions is contained within the confidential attachment to this report.

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

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
<td>N/A</td>
</tr>
<tr>
<td>Capability/Capacity</td>
<td>50%</td>
</tr>
<tr>
<td>Other Value for Money services</td>
<td>30%</td>
</tr>
<tr>
<td>Quality/Sustainability</td>
<td>20%</td>
</tr>
<tr>
<td>TOTAL Qualitative</td>
<td>100%</td>
</tr>
</tbody>
</table>

Confidential information is contained in Attachment ‘Confidential Attachment for CT5294’. 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 15% of the overall qualitative evaluation.

The recommended tenderer employs two (2) people who are local residents. The tenderer has also committed to source up to 100% of goods/services/materials from within Yarra Ranges Shire.

The company has made a commitment to work with Council to achieve socially sustainable outcomes within the municipality, if they are awarded this contract.

Economic Impacts

As part of this tender process, tenderers were encouraged to explore local networks to review and propose solutions that incorporate the use of local goods and resources to help boost the local economy. The preferred tenderer has made a commitment to consider the inclusion of local service providers for the provision of the Services under this contract.

Risk Assessment

This has been considered as part of the project design and the evaluation process. Services will commence following the completion of successful contract negotiation.

CONCLUSION

That Council adopts the recommendations within this report.

ATTACHMENTS

1. CT5294 Provision of Fully Maintained Operating Leases, Fleet Management Services and Fleet Customer Support Services (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 prior to the agenda being printed.

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 being printed.

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 being printed.

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. 15 May 2018 - Council Briefing.
2. 15 May 2018 - Forum Meeting.
# Assembly of Councillors

## Public Record

<table>
<thead>
<tr>
<th>Meeting Name:</th>
<th>Council Briefing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date:</strong></td>
<td>15 May 2018</td>
</tr>
<tr>
<td><strong>Venue:</strong></td>
<td>Council Chamber, Civic Centre, Anderson Street, Lilydale</td>
</tr>
<tr>
<td><strong>Attendees:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Councillors:</strong></td>
<td>Terry Avery, Jim Child, Len Cox, Tim Heenan, Richard Higgins, Fiona McAllister &amp; Tony Stevenson</td>
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<td><strong>CEO/Directors:</strong></td>
<td>Glenn Patterson, Mark Varmalis, Ali Wastie &amp; Troy Edwards</td>
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<tr>
<td><strong>Other Attendees:</strong></td>
<td>Damian Closs, Claudette Fahy &amp; Rachna Singh</td>
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### Apologies

Councillors Mike Clarke & Noel Cliff

### Declarations of Interest

Nil

### Matter/s Discussed:

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<tr>
<td>7.1</td>
<td>2019 - Grants for Community Initiation Report</td>
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<td>Open Air Burning Local Law – Special Committee Meeting</td>
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<td>Amendment C148 – Review of the Planning Scheme – Report on Submissions</td>
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<td>Audit and Risk Management Committee-Independent Member Appointment</td>
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<td>Finance Report 1 July 2017 to 31 March 2018</td>
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<td>Appointment of Authorised Officers</td>
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<td>Review of Delegations Made to Council Staff</td>
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<td>Proposed Discontinuance and Transfer Part Jade Street Yarra Glen</td>
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<td>7.9</td>
<td>Jack Hort Pool Operational Deficit</td>
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### Completed By:

Rachna Singh
# Assembly of Councillors

## Public Record

**Meeting Name:** Forum  
**Date:** 15 May 2018  
**Start Time:** 7:00pm  
**Finish Time:** 9:36pm

**Venue:** Council Chamber, Civic Centre, Anderson Street, Lilydale

**Attendees:**
- **Councillors:** Terry Avery, Jim Child, Len Cox, Tim Heenan, Richard Higgins, Fiona McAllister & Tony Stevenson
- **CEO/Directors:** Glenn Patterson, Mark Varmalis, Ali Wastie & Troy Edwards
- **Other Attendees:** Jessica Rae, Greg Box, Suzanne Earhart, Marco D’Amico & Rachna Singh
- **External Guests:** Chris Chesterfield (Chair Yarra IWM Forum) & Dennis Corbett (Senior Project Manager IWM, DELWP)

**Apologies**
- Councillors Mike Clarke & Noel Cliff

**Declarations of Interest:** Nil

**Matter/s Discussed:**
1.1 Action & Agreement Record - 01 May 2018
1.2 Integrated Water Management Forums presentation
1.3 RidgeWalk Project Update
1.4 Sport and Recreation Victoria Grant Funding
1.5 Esther Park Synthetic Soccer Grant Application
1.6 Special Charge Scheme Process Review (Deferred)
1.7 MAV State Council - Voting Directions
2.1 Organisational Performance Report to Councillors January to March 2018
2.2 Monthly Reports of Outstanding Council Actions
2.3 Indicative Forum & Council Meeting Schedule
2.4 Mayor & CEO Updates

**Completed By:** Rachna Singh
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

There are no confidential items listed for this agenda.

15. DATE OF NEXT MEETING
The next Ordinary meeting of Council is scheduled to be held on Tuesday 26 June 2018 commencing at 7:00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale.
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.