



ORDINARY COUNCIL MEETING

TUESDAY 26 MARCH 2019

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)

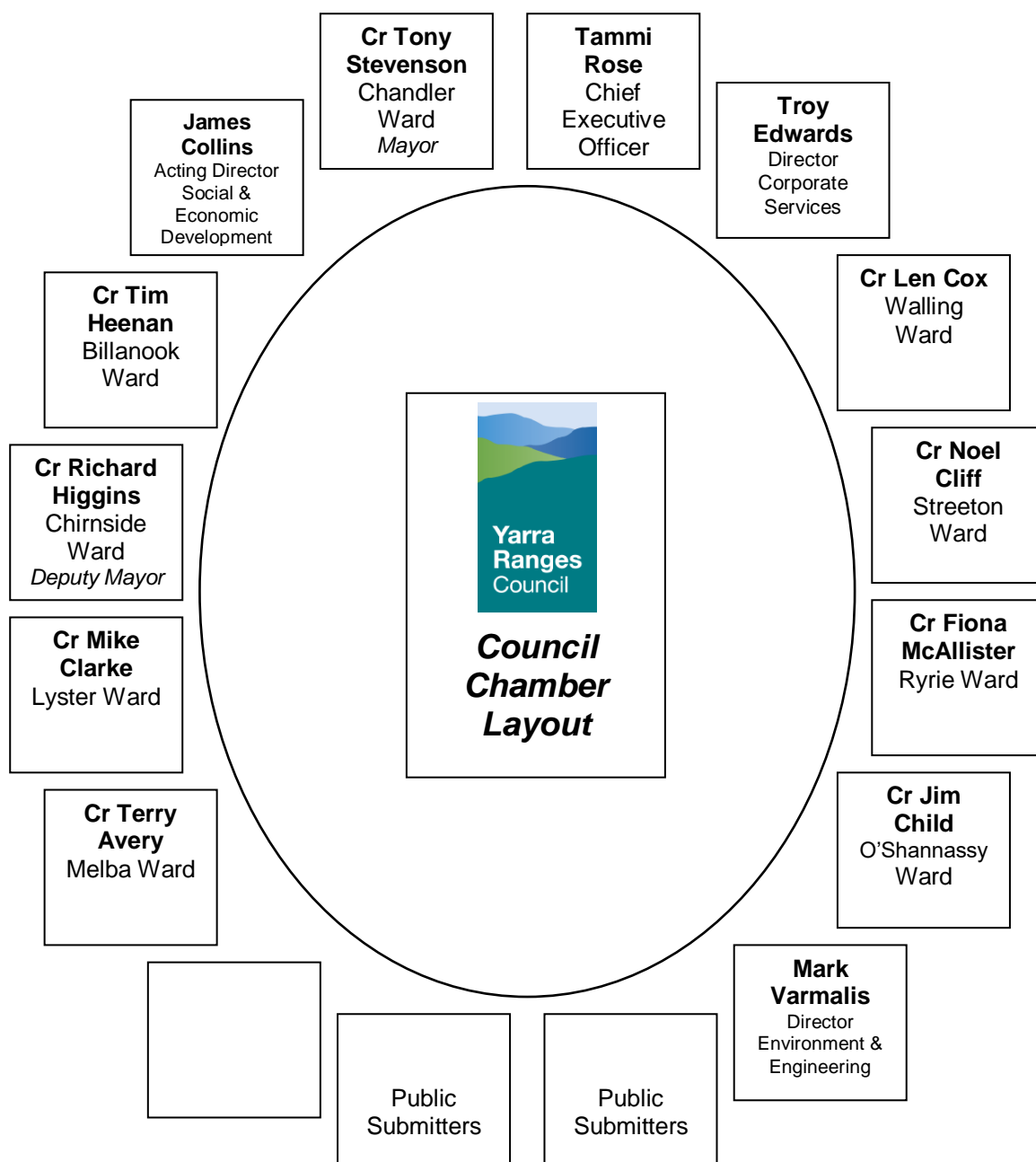
The public is invited to submit questions to the Ordinary Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before** the [Council meeting date](#). Questions relating to items on the agenda, or which 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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YARRA RANGES COUNCIL

AGENDA FOR THE 491ST ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 26 MARCH 2019 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC CENTRE, ANDERSON STREET, LILYDALE

1. COUNCIL MEETING OPENED
2. INTRODUCTION OF MEMBERS PRESENT
3. APOLOGIES AND LEAVE OF ABSENCE
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 12 March 2019, 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

QUESTIONS TO COUNCIL

There were no questions to Council received prior to the agenda being printed.

SUBMISSIONS FROM THE PUBLIC

Lilydale Bypass Reserve

Mr Paul Dempsey will be speaking with regard to a Proposal to transform the Lilydale Bypass Reserve in to the Lilydale Climate Emergency Gardens, an efficient education and communications strategy.

7. BUSINESS PAPER

SOCIAL AND ECONOMIC DEVELOPMENT

No. of Pages – 9

7.1 Yarra Ranges Amendment C148 - Implementation of the Planning Scheme Review

RESPONSIBLE OFFICER Acting Director Social & Economic Development

SUMMARY

Amendment C148 implements the Review of the Planning Scheme by introducing new policy and revised controls to bring the Scheme in line with Council's vision for planning. The new ordinance addresses a number of key topics which Council can influence through its Planning Scheme. A full account of the Amendment is provided later in this Report.

Yarra Ranges Amendment C148 and associated Amendment 122 to the Upper Yarra and Dandenong Ranges Regional Strategy Plan (RSP) were exhibited in late 2016 and have now progressed through public notice, consultation, consideration of submissions, and a review by an independent planning panel. The Panel's report is generally favourable but makes further recommendations for the Amendment which are discussed in this report.

Officers have assessed and responded to the Panel's recommendations (Attachment 1) and have prepared a final version of the Amendment recommended for Council's consideration and adoption (Attachment 2). Should Council decide to adopt the amendment it will be sent to the Minister for Planning for approval.

Through the Amendment/panel process a number of changes have been made to the exhibited Amendment, notably revised mapping of the Environmental Significance Overlay and the retention of the tenement provisions. Vacant lots and developed properties comprising multiple titles which may form part of a tenement as defined in Clause 51.03 will be mapped via the new Specific Controls Overlay.

The Minister for Planning (State Government) is responsible for the Regional Strategy Plan (RSP). The provisions of the Planning and Environment Act require Amendment 122 to the RSP to be approved and ratified by Parliament before the Minister for Planning can approve C148 to ensure there are no inconsistencies with the RSP and the Yarra Ranges Planning Scheme. If Council adopts the Amendment as recommended (which now includes tenement controls) the associated changes to the RSP will be minimal and a revised Amendment 122 that reflects this forms Attachment 3.

RECOMMENDATION

That Council

1. ***Adopt Amendment C148 in the form of Attachments 2, 4 and 5 to this report.***
2. ***Submit the adopted Amendment C148 to the Minister for Planning for approval.***
3. ***Support the Minister's approval of Amendment 122 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan in the form of Attachment 3.***

- 4. *Request officers prepare a report that outlines a program of further environmental investigations to be undertaken relating to identification of flora and fauna and habitat values of Yarra Ranges which will among other things inform future planning controls relating to vegetation and habitat protection.***

DISCLOSURE OF CONFLICTS OF INTEREST

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

PROPOSAL

Council has prepared and exhibited a complete new planning scheme to reflect Council's vision for planning and to guide planning decisions. The Amendment includes a new Municipal Strategic Statement, new local planning policies and new vegetation overlays as described below.

Associated Amendment 122 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP) was exhibited by the State Government concurrent with Council's C148. The concurrent amendment to the RSP is required to achieve consistency between changes proposed in C148 and the Regional Strategy Plan as required by Section 46F of the Planning and Environment Act.

Amendment C148

Amendment C148 embeds Council's strategic vision for planning into the new Municipal Strategic Statement, Local Planning Policies and revised Overlays. Council's vision as expressed in the revised MSS is to:

- Contain urban development within established suburban and township areas
- Reinforce the primary Green Wedge values of supporting sustainable farming, retaining a healthy biodiversity and protecting valued landscapes
- Provide for more intensive redevelopment to create business opportunities and more diverse housing in urban locations within and around the larger activity centres
- Fully use the development opportunities in the key redevelopment sites such as the Cave Hill quarry site in Lilydale
- Retain the current low density semi-rural character of the Dandenong Ranges and other established rural residential areas.

The Municipal Strategic Statement

The revised Municipal Strategic Statement (MSS) addresses the differing roles of activity centres and development opportunities in Yarra Ranges' suburban areas, rural towns, rural residential areas and dispersed rural communities. It includes new policy for topical issues such as aged persons housing and equitable provision of community infrastructure.

The new MSS contains policy to reduce reliance on private vehicles and encourages new development proposals to be supported by assessments of the transport implications of the proposal.

In the rural areas the MSS supports retaining biodiversity, landscapes and productive agriculture. New policy guides tourism development and other discretionary uses such as schools and major recreational facilities which seek to locate in the green wedge areas.

New Environmental Significance Overlay / Significant Landscape Overlay

The Amendment improves the protection of biodiversity in the rural areas by applying a new Environmental Significance Overlay to strengthen control over areas of higher biodiversity value and habitat connections including riparian corridors. The new Significant Landscape Overlay identifies the differing characteristics of Yarra Ranges' rural areas and provides specific controls to preserve the valued landscapes.

Amendment C148 updates controls for vegetation in the rural areas by translating the blanket permit requirements currently found in Clause 51.03, into new strategically applied Environmental and Significant Landscape Overlays. In addition to the planning permits required under the various overlays, vegetation controls will also continue be provided under Clause 52.17.

Dwellings in Rural Areas / Tenement Provisions

The Amendment introduces a new Local Planning Policy - Clause 22.02 *Dwellings in Green Wedge Areas* to address residential development in rural areas. Dwellings are a discretionary use in all green wedge zones, so the policy sets a framework for decisions based on broad rural land categories including productive agricultural, rural landscape and rural residential areas.

Exhibited Amendment C148 proposed to remove the Tenement Provisions restricting residential development on some properties in the former Shires of Lilydale and Sherbrooke. The tenement control, based on a historic point in time, appears in Clause 51.03 but is not mapped; making it largely invisible and difficult for potential purchasers and owners of land that may be affected by these provisions.

The panel recommended retention of the tenement provisions through using the new Special Controls Overlay (SCO) that has recently been introduced into the Victoria Planning Provisions. The tenement controls are now proposed to be retained under the SCO as discussed in the Panel recommendations section of this report (refer to Attachment 6).

Sustainability / Major Retail Development

Other key components of Amendment C148 include new Local Planning Policy to encourage environmentally sustainable development, Clause 22.03 and a new policy for major retail development, Clause 22.01, to ensure major retail development makes a positive contribution to the activity centre in which it is located.

In addition to the above, C148 removes a number of redundant clauses and Local Policies to streamline the Scheme and make it operate more clearly.

Clause 53.01 (Public Open Space Contributions)

The Amendment formalises a 5 per cent public open space contribution under Clause 51.03 of the Scheme to be levied on commercial, industrial and residential subdivision in urban areas.

Amendment 122 - Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

The *Planning and Environment Act* requires the Yarra Ranges Planning Scheme to be consistent with the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* (RSP). The nature of changes in Amendment C148 necessitated related changes to the RSP which were exhibited concurrently as Amendment 122. Primarily these changes relate to the classification of the various towns in Yarra Ranges (hierarchy) and the removal of the tenement controls. Given officers are proposing to retain the tenement controls in Amendment C148, Amendment 122 has been modified to retain the tenement requirements of the RSP.

BACKGROUND

Amendment C148 is the most comprehensive review of the Planning Scheme since the introduction of the Yarra Ranges Planning Scheme, almost twenty years ago. During this time revisions of the Scheme have occurred however they have largely been issue specific rather than a holistic rewrite as proposed in this Amendment. A policy neutral restructure of the Scheme occurred in 2009 and a number of issue-specific amendments such as heritage have also been completed. A new residential development framework was added in 2013 to implement Council's Housing Strategy and design and development controls were added for activity centres in 2014. In addition, various structure planning controls have been incorporated into the Scheme for the larger town centres.

Despite these ongoing changes, the majority of the local content (policy) of the Planning Scheme has remained largely static for many years.

Amendment C148 also embeds a number of Council adopted strategies into the Scheme. While some of the strategies below have been adopted for some time, none were formally recognised in the Planning Scheme, which is needed if they are to have statutory weight in planning decisions. The following work informed Amendment C148:

- Yarra Ranges Green Wedge Management Plan 2010.
- Vision 2020 by Design 2009.
- Industrial Areas Review 2010.
- Yarra Ranges Economic Development Strategy 2012- 2022.
- Yarra Ranges Recreation Open Space Strategy 2013.
- Yarra Ranges Environment Strategy 2012- 2025.
- Yarra Ranges Health and Wellbeing Strategy 2017 – 2021.
- Yarra Ranges Activity Centres Network Strategy 2012.

STRATEGIC LINKS

Finalising Amendment C148 appears as an initiative in the Council Plan. The amendment seeks to implement a range of Council adopted plans and strategies through the Planning Scheme.

CONSULTATION

Amendment C148 was exhibited in late 2016, with over 100 submissions received. The exhibition included direct mail notification to all rural property owners and notification in all local newspapers. Council held four evening information sessions at venues around the Council area, which were also advertised in local papers.

Council considered submissions at its meeting held on 22 May 2018 and subsequently endorsed a number of changes to the Amendment to be considered at Panel. In August 2018 an independent planning panel, appointed by the Minister for Planning, reviewed all submissions and heard further submissions over the course of the four day hearing.

The Panel also heard submissions to Amendment 122 to the Regional Strategy Plan.

The Amendment has followed the legislated process for amending the Planning Scheme which provides the community/ submitters with multiple opportunities to be heard and be a party to the amendment process.

FINANCIAL IMPLICATIONS

The Amendment costs including substantial notification and Panel costs are covered in the recurring budget for Strategic Planning.

KEY ISSUES

When considering the Panel's report Council has the opportunity to make changes to the exhibited Amendment. While not required to make all changes recommended by the Panel, Council must provide the Minister for Planning with its reasons for not adopting any of the Panel's recommendations.

The Panel considered the exhibited version of the Amendment including changes endorsed by Council at its meeting in May 2018. At that meeting, Council initiated some changes to the exhibited Amendment in response to submissions, primarily:

- A revised methodology for the Environmental Significance Overlay using a reduced threshold patch size for inclusion following consideration of submissions from the Yarra Ranges Environmental Advisory Committee and others
- Modified descriptions in the Significant Landscape Overlays in line with recommendations from the National Trust.

The Panel Report made eleven recommendations for Amendment C148 and one for Amendment 122 to the Regional Strategy Plan (Attachment 7). A detailed officer response to each of the Panel's recommendation is included in Attachment 1 - *Response to Panel*

Recommendations. Some of the recommendations are for minor changes which do not affect the intent of the controls but rather change formatting or how content is presented. The following are the key recommendations of the Panel which relate to any substantive changes to the exhibited amendment.

- *Adopt all changes to the revised version of the controls tabled by Council in its Part B submission unless otherwise recommended.*

Supported: This recommendation relates to changes Council endorsed at its May meeting in response to submissions. Changes included the new methodology for the Environmental Significance Overlay and the changes to the Significant Landscape Overlays requested by the National Trust. In addition based on officer recommendations, the existing vegetation controls in Clause 51.03 for the Commercial and Industrial 3 Zones were retained. Additional changes were to the Environmentally Sustainable Development policy to bring it into alignment with other approved ESD policies of other councils.

- *Change the strategies at Clause 21.04- 3 Extractive Industry to read “Provide for the continued use and development of where appropriate the expansion of existing quarry operations.*

Supported with modification: This change relates to a submission from the Launching Place quarry (Dandy Premix) objecting to words in the proposed policies regarding ‘new and expansion of’ extractive industries.

Officers compared the Panel’s suggested changes to C148 with the existing strategies in the Scheme and related policy in the Regional Strategy Plan. Officers recommend retaining the existing strategies for extractive industry as they currently appear in the Planning Scheme, which are:

- *Provide for the continued use and development of existing extractive industry resource areas in the Shire, subject to proper environmental and amenity assessments and controls.*
- *Ensure that the establishment of new extractive industries are prohibited in areas of natural significance and environmental sensitivity.*
- *Ensure the thorough consideration of potential environmental implications of any proposal to expand an existing extractive industry.*

Officers recommend the above policies of the Scheme not be changed by C148. Keeping the existing strategies is more closely aligned to the Regional Strategy Plan and removes any confusing references to new or expanded quarries which satisfies the issue in the Dandy Premix submission and Panel’s recommendation.

- *Apply the Specific Controls Overlay to land potentially affected by tenement controls and apply an Incorporated Document that replaces the current provisions in Clause 51.03.*

Supported: The Specific Controls Overlay is a new tool which can be used to map - as its name implies – unique or special controls. The tool was only recently introduced by the State Government since C148 was written. It is recommended the new tool be used to map potential tenement lots as outlined in Attachment 1. The application of the SCO would be limited to vacant lots and multiple lots in single ownership where the current tenement provisions apply. The actual ordinance will be moved from Clause 51.03 to an

Incorporated Document listed in the Schedule to the Overlay. Incorporated Documents form part of the Planning Scheme, so the control is not being diminished by using the new tool.

- *Retain the current Environmental Significance Overlay Schedule, but update the Schedule to specify the vegetation exemptions within the Schedule.*

Not Supported: One of the key drivers for the new ESO was the inconsistent information supporting the existing ESO and the fact that the current ESO does not map many areas of environmental significance or riparian corridors. In addition the current ESO is applied via Clause 51.03 which itself provides no guidance for planning decisions. The new ESO, proposed to replace the existing ESO, is modelled on layers of detailed environmental information, including historic information from the existing ESO studies. There is no benefit to having overlapping ESO's and it is not recommended Council retain the existing ESO.

- *Before adoption review the application of the proposed Environmental Significance Overlay to the specific sites identified in submission, including the locality around Perrin's Creek.*

Supported: The final mapping of the ESO incorporates all changes recommended by Ecology Australia, which further reviewed all submission sites before providing the final mapping layer for Council adoption. Note: The mapping referred to in this report refers to the final version of the ESO which Council has in the form of a GIS layer and is depicted in Attachment 4. DELWP will generate the amendment maps based on this 'shape file'. Because there are approximately 200 maps associated with this amendment, they have not been individually attached to this report. The Significant Landscape Overlay is depicted in Attachment 5.

During the Panel hearing issues were raised about the proposed methodology of the ESO modelling and the final boundary of the ESO. A number of submissions identified inconsistencies between the mapping and on ground conditions. Due the significant size of the investigation area, the Panel was generally supportive of the way the ESO mapping had been approached using modelled data with some ground truthing. However the Panel did recommend that the final ESO boundaries be updated and reviewed by an environmental expert.

Given the size of the investigation area and the use of modelled data, officers acknowledge that inconsistencies will arise between on ground conditions and the ESO boundary. Officers are also aware that the new ESO mapping is a significant improvement compared to the current ESO boundary and because of this it is recommended that the proposed ESO be adopted without further delay. It is also recommended that additional environmental studies be undertaken that will build on the work already undertaken and to inform future planning controls relating to environmental protection.

- *Replace the exemptions for vegetation removal by public land managers with a VicSmart provision to ensure vegetation removal by public land managers is consistently managed.*

Partially supported: VicSmart applications are for minor matters, and cannot cover all potential permits on public land. Rather than using VicSmart, officers recommend removing the exhibited exemptions for public land managers from the Environmental and

Significant Landscape Overlays altogether. This effectively means a permit will need to be obtained by the land manager or agency. This approach is consistent with the Public Land Policies in the Regional Strategy Plan and will continue to require a full planning process/disclosure for works by public agencies.

- *Retain the existing exemptions for the remaining vegetation controls in Clause 51.03.*

Supported: This relates to the vegetation controls for the Commercial and Industrial land in Clause 51.03, which Council determined to retain at its meeting in May 2018.

- *Amend the Schedule to Clause 51.03 "Public Open Space Contribution and Subdivision to exclude land outside the Urban Growth Boundary (UGB).*

Supported: Very little subdivision occurs outside the Urban Growth Boundary due to the restrictive subdivision provisions in the Green Wedge zones. Where appropriate Council can still require an open space contribution for subdivision outside the UGB under the Subdivision Act - which requires a contribution *up to* 5%.

Amendment 122

- *Based on the reasons set out in the Panel report, the Panel recommends the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be adopted subject to retaining the statements that deal with the tenements.*

Supported: As previously stated the tenements will be mapped as part of the Specific Controls Overlay, which means the tenements are retained and there is no need to modify the RSP. The amendment in Attachment 3 reflects this.

The proposed final version of the Amendment attached to this report reflects the officer recommendations to each of the Panel's recommendations.

Environmental Impacts

The improved landscape and environmental controls which form a part of this Amendment provide improved protection for the natural environment and sites of biodiversity. Specific ESD policies are also proposed in the Amendment that seek to improve environmental outcomes during the planning permit process.

Social Impacts

The revised MSS policy contained in this Amendment supports social and community infrastructure and appropriate design contributing to improved community health outcomes.

Economic Impacts

There are no direct economic impacts associated with Amendment C148 but indirectly, the amendment includes policies to support commercial development and the creation of jobs within the municipality. It also will provide a clearer and transparent planning scheme for Yarra Ranges which will improve the overall useability of the planning scheme. The

Amendment also seeks to provide greater protection for agriculture as a key business of the area.

Risk Assessment

There are no risks associated with Amendment C148.

CONCLUSION

Council has completed a comprehensive public consultation, exhibition and panel process for Amendment C148. It is now recommended Council adopt a revised amendment as outlined in this report. Following adoption the amendment will then be submitted to the Minister for Planning for approval. It is also recommended Council support the Minister for Planning's approval of the associated changes to the Regional Strategy Plan contained in Amendment 122 - Attachment 3.

ATTACHMENTS

- 1 Report on Panel Recommendations - Amendment C148 and 122 to the RSP
(published separately)
- 2 Recommended Amendment C148 Ordinance *(published separately)*
- 3 Proposed Amendment 122 to the Regional Strategy Plan *(published separately)*
- 4 Proposed Environmental Significance Overlay Mapping *(published separately)*
- 5 Proposed Significance Landscape Overlay Mapping *(published separately)*
- 6 Proposed Special Controls Overlay Mapping *(published separately)*
- 7 Amendment C148 Panel Report *(published separately)*

7.2 The Healesville Belonging Place Feasibility Study

RESPONSIBLE OFFICER Acting Director Social & Economic Development

SUMMARY

The health gap between Aboriginal and non-Aboriginal residents across Yarra Ranges and the Outer East remains significant, particularly in relation to chronic and communicable diseases, poor infant health, mental health and lower life expectancy.

Connection to culture, community, family and Country are recognised as the key social determinants of Aboriginal health and wellbeing critical to 'Close the Gap'. Currently, an interim Belonging Place, operating under the Aboriginal community control of Healesville Indigenous Community Services Association (HICSA), offers the Aboriginal community a health service model tailored to meet local health needs.

HICSA's strong program and service growth over the past two years, has created logistical issues as the facilities are no longer fit-for-purpose and struggling to accommodate increasing levels of service demand.

To facilitate the critically needed expansion of local and regional Aboriginal health services, HICSA and Yarra Ranges Council commissioned a Feasibility Study. The Study (see Attachment 1) includes site identification, business case, concept drawings and quantity surveyor's cost report.

A Belonging Place described in the *Belonging Place Conceptual Design Drawing* (see Attachment 2) will enable HICSA to significantly expand its service delivery and build capacity to meet ever increasing Aboriginal health and wellbeing service and cultural programming demand.

RECOMMENDATION

That Council

- 1. Acknowledges the critical role Healesville Indigenous Community Services Association and the Healesville Belonging Place have in addressing Aboriginal health and wellbeing.**
- 2. Notes the Executive Summary, including key recommendations, for Healesville Belonging Place Feasibility Study.**
- 3. Notes the intention that external funding be sought to fund the construction of the Belonging Place with Council's role being to support and advocate with Healesville Indigenous Community Services Association.**

DISCLOSURE OF CONFLICTS OF INTEREST

The author has no conflict of interest.

PROPOSAL

That Council acknowledges the critical role HICSA and the Healesville Belonging Place have in addressing Aboriginal health and wellbeing and notes the Healesville Belonging Place Feasibility Study recommendations. Further, it is proposed that Council support HICSA in any advocacy and funding bids required to realise the project.

BACKGROUND

Self-determination is the key to reducing the significant gaps in health service access that marginalise Aboriginal communities, reinforcing the cycle of poor health outcomes and disadvantage. HICSA, in partnership with Yarra Ranges Council, established an interim Belonging Place based on a self-determinative and cultural strengthening model. The overwhelming success of the model has created severe logistical issues with the current facility no longer fit-for-purpose.

To facilitate the critically needed expansion of local and regional Aboriginal health services, HICSA and Yarra Ranges Council developed the 2016 Business Plan for the Belonging Place. A Feasibility Study Report was subsequently commissioned and delivered in 2018.

The Feasibility Study Report includes site identification, business case, concept drawings and quantity surveyor's cost report. The report (see Attachment 1) will guide the Project towards the detailed design phase. It builds on the strong vision for the Belonging Place outlined in the 2016 Business Plan.

A strong rationale has been outlined in the Feasibility Study Report for the development of the Belonging Place to support the delivery of a range of services that will respond to the needs of the Aboriginal & Torres Strait Islander community. The Feasibility Study Report and recommendations provide the framework to move the project through the Detailed Design Phase.

STRATEGIC LINKS

The Healesville Belonging Place concept has solid policy support with strong National and State strategic links including:

- National Aboriginal & Torres Islander Health Plan (2013-2023)
- Korin-Korin Balit-Djak – Victorian Aboriginal Health, Wellbeing and Safety Plan 2017
- Balit Murrup: Aboriginal social and emotional wellbeing framework:
- Marrung: Aboriginal education plan 2016.

Yarra Ranges Council Strategic links include:

- The Health and Wellbeing Strategy
- The Council Plan

- The Reconciliation Policy
- The Reconciliation Framework for Action 2013- 2023
- The Healesville Structure Plan.

CONSULTATION

There have been numerous community consultations regarding a Belonging Place in Healesville dating back to 2004. These have informed reports and studies, including the 2004 Milward and 2008 O'Kelly Reports.

In 2009 the State Government's Aboriginal Health Plan, Close the Health Gap, identified a Belonging Place in Healesville as the number one priority to improve Aboriginal health and wellbeing across the Eastern Metropolitan Region. This was on the back of consultations with stakeholders from the community and the health service sector.

The 2016 Belonging Place Business Plan included a thorough community and service sector consultation process. The 2018 Belonging Place Feasibility Report was developed under the guidance of a Project Steering Group that included Council officers and senior management from HICSA.

The process also included two regional stakeholder forums to inform and seek feedback. The architectural concept drawings were developed by the architects through a series of workshops with HICSA staff and Board members, local services and Council officers.

The HICSA Committee of Management accepted and endorsed the overall direction of the Report and acknowledged the extensive work undertaken as well as the comprehensive breadth and depth of its findings.

FINANCIAL IMPLICATIONS

It is expected that approximately \$10M will be required to construct The Belonging Place. External infrastructure grants will be required to fund the proposed facility. Capital and operational funding will be sought from both the State and Federal Governments.

It is noted that Yarra Ranges Council Capital Works funding is not anticipated to be sought or allocated to fund this community infrastructure project.

KEY ISSUES

In the Outer East, just over a third of the Aboriginal & Torres Strait Islander population live in Yarra Ranges with around half of these in Healesville. The health and wellbeing status and needs of the Aboriginal & Torres Strait Islander population is well documented.

The development of a strong and viable Aboriginal Controlled Community Health Organisation with a purpose-built facility, such as the proposed Belonging Place in the Eastern Metropolitan Region, is identified as essential if the current policy agenda of *Closing the Gap* through supporting Aboriginal community control and self-determination is

to be realised. There have been sustained calls for this approach which is also evidence informed.

HICSA has had strong program, capacity and service growth over the past 2 years and developed a service model that is clearly meeting the needs of the Aboriginal community. This rapid growth has created severe logistical issues for HICSA with current infrastructure not fit-for-purpose and struggling to respond to growing levels of demand.

The Healesville Belonging Place Feasibility Study Report notes there are issues to be resolved related to the site. The Study recommends that prior to commencing the next phase of development for the Belonging Place:

- A high-level urban design and site master-planning be undertaken for the Healesville Commons site to establish a clear strategic framework for future development of the site.
- A comprehensive building and asset audit is undertaken of the current facilities and capacity to respond to current and future community needs.
- A broader community needs analysis be undertaken to inform integrated service planning for the Healesville Commons site.

There is sound strategic land-use planning policy to support the proposal through the Healesville Structure Plan. A number of site assessments and due diligence activities will need to be undertaken to inform future planning application process.

Environmental Impacts

A key Feasibility Study Report recommendation calls for a detailed review of prior uses of the site to inform a risk assessment as to whether a full land and environmental study of the site is required. Other environment related recommendations call for a comprehensive Native Vegetation, and Tree Risk Assessment to be undertaken on the site with the objective of preserving, offsetting loss or improving native vegetation outcomes as a result of the proposed development.

Social Impacts

Recommendations such as a high-level urban design and site master-planning process for the Healesville Commons site will be of significant value to Council in identifying community service and infrastructure needs into the future. This will ensure social outcomes for the community of Healesville and surrounds into the coming decades.

Economic Impacts

HICSA has experienced rapid expansion over the last two years increasing its workforce from five in 2017 to 19 staff in 2019. The development of the proposed Belonging Place is likely to directly increase jobs and indirectly in response to service demands. During the construction phase it is estimated that 47 direct and indirect jobs (through local purchases of goods and services) would be created in Yarra Ranges.

Risk Assessment

A preliminary risk assessment was conducted as part of the project. The identified 'high-risks' are usual for a project at this stage of development and relate to:

- Timing and staging, benefits realisation, community response and land tenure.

A Comprehensive Risk Assessment regarding the Belonging Place concept plan was included in the Feasibility Study.

CONCLUSION

HICSA's full transition into an Aboriginal Controlled Community Health Organisation operating from a purpose-built facility in Healesville and serving the Outer East of Melbourne is essential if the current policy agenda of self-determination and Aboriginal community control to 'Close the Gap' on Aboriginal health and wellbeing is to be realised.

The Feasibility Report provides Council and HICSA with comprehensive recommendations, business case, and rationale for the development of the Belonging Place in Healesville.

HICSA's service model for the proposed Belonging Place will continue to make significant inroads into improving regional Aboriginal health and wellbeing. The Feasibility Study provides sound foundations to progress the vision for a properly equipped and fit for purpose, Belonging Place. This community led and controlled service hub will build on a range of initiatives supported by Council over many years to close the Indigenous health gap.

ATTACHMENTS

- 1 Belonging Place Executive Summary
- 2 Belonging Place Concept Design

The Healesville Belonging Place Feasibility Study Report

Executive Summary

Mach2 Consulting was engaged to develop a feasibility study and business case for the development of the Belonging Place, an Aboriginal community controlled integrated services hub located in Healesville, Victoria. As part of this project Workshop Architecture were engaged to develop a concept design based on an initial functional brief and space allocation.

The project has used a combination of service and design workshops and individual partner engagement to build on the strong vision for the Belonging Place that was outlined in a business plan completed in 2017. The Healesville Community Services Association (HICSA) has had very strong program and service growth over the past 18 months to 2 years and through this experience have further developed a service model that is clearly meeting the needs of the Aboriginal & Torres Strait Islander community in the outer east of Melbourne.

There is good strategic land-use planning policy support for the proposal but there is a range of site assessments and due diligence activities that will need to be undertaken to inform any future planning application process.

There is clear and evident need for the development of the Belonging Place, both on a population and health and wellbeing basis. Just over a third of the Aboriginal & Torres Strait Islander population in the Outer East live in the Yarra Ranges municipality and around half of these in Healesville. The poor health and wellbeing status of the Aboriginal & Torres Strait Islander population is well understood and acknowledged.

There is very strong policy support for the project across Commonwealth, Victorian and local governments. The project represents a clear opportunity to demonstrate a practical commitment to the concepts of self-determination and Aboriginal-community-control.

The strong growth in HICSA programs and services has created severe logistical issues with the current buildings and facilities not fit-for-purpose and not able to respond to emerging levels of demand.

A preliminary services directory has been developed and this will need to be translated into a detailed service model at the next stage of development. The concept of medical or GP practice is currently on the agenda and under discussion, but a full understanding of these requirements has not been included in the functional brief or space allocation at this stage.

The 2017 business plan identified space requirements of just under 1,000m² with an additional 400m² outdoor space, this was a high-level estimate and was not informed by partner engagement or recent service growth. This has now been expanded to around 1,580m² of internal space with significant external program and cultural spaces. Modelling has identified that the building could support active program staff up to 20 FTE and around 90 to 100 clients per day. Total staff accommodation in the building totals around 440m², enough for 40 to 45 people depending on internal layout and design.

The feasibility and business case recommend that a Value Management Review and detailed Service Planning exercise be undertaken at the next stage of development to refine all program and service estimates and incorporate the potential impact of a medical or general practice clinic.

A preliminary risk assessment was conducted as part of the project, no very high or extreme risks have been identified and key high-risks identified are usual for a project at this stage of development, these relate to: Timing and Staging, Benefits Realisation, Community Response and Land Tenure.

One of the most critical aspects of the project is the stated aim of Aboriginal-community-control and self-determination.

Workshop Architecture was engaged on the basis of skills and experience as well as demonstrated cultural sensitivity. Through a series of workshops and design iterations they have presented an internal layout that responds to the program, service and cultural demands of the spaces. A first iteration of the external building façade and fabric has also been developed.

A range of sources of potential capital funding have been identified and it will be important that HICSA and Yarra Ranges Council ensure that relevant politicians and senior bureaucrats in the Victorian and Commonwealth Government are aware of the project and the opportunity that it presents to advance the health and wellbeing of the Aboriginal & Torres Strait Islander community.

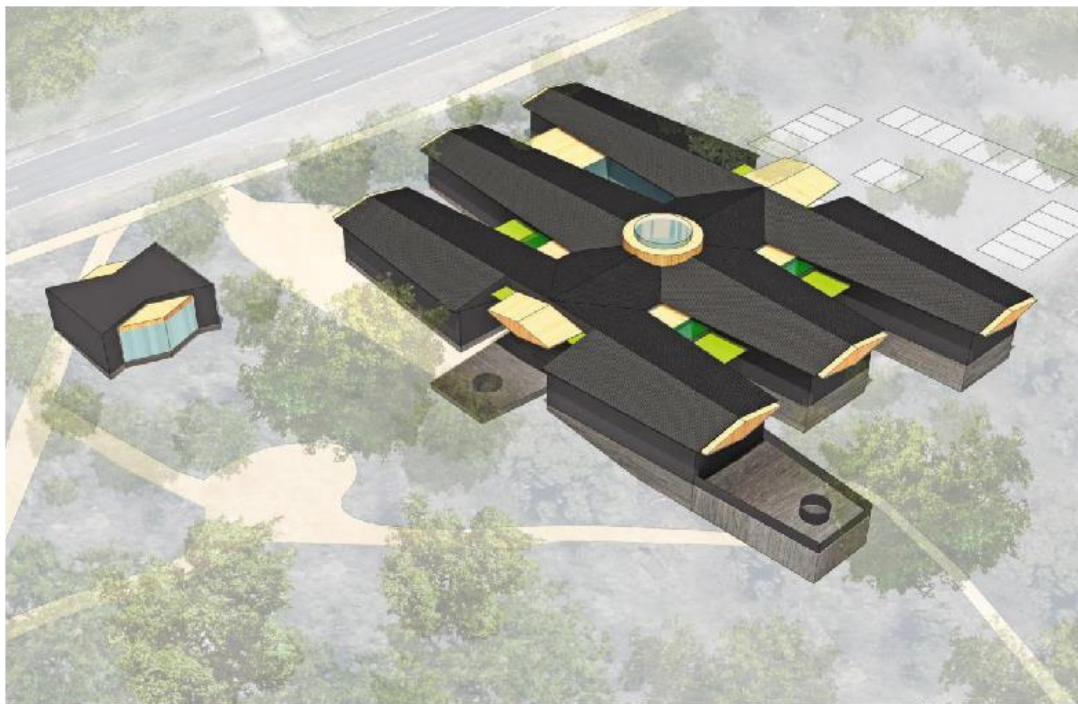
The Healesville Belonging Place Feasibility Study Key Recommendations

- That the next stage of the Belonging Place project development incorporates a detailed review of prior uses of the site to inform a risk assessment as to whether a full land and environmental study of the site is required.
- That Yarra Ranges Council engage with the relevant authorities to undertake due diligence on existing services supply and network infrastructure to understand if there are network or infrastructure upgrade requirements to support a major redevelopment on the proposed site.
- It is recommended that a comprehensive assessment of native vegetation be undertaken at the proposed development site with the objective of preserving, offsetting loss or improving native vegetation outcomes as a result of the proposed development. This assessment process should inform the site master-planning process if the project proceeds to the next stage of development.
- It is recommended that a comprehensive Tree Assessment and Tree Risk Assessment under the Yarra Ranges Tree Policy be conducted for the overall site to inform the master-planning process and a final building siting decision if the project proceeds to the next stage of development.
- It is noted that the proposed development will need to provide adequate and reasonable on and off-site car parking for use by staff, clients and visitors. It is recommended that an application be made to reduce the standard car parking provision requirements by commissioning a Car Parking Demand Assessment and reviewing the availability of off-site parking, public transport, cycling, walking and other alternative forms of transport to the site.
- It is recommended that Yarra Ranges Council conducts or commissions a comprehensive traffic and transport study of the site to assess the potential impact of the proposed development. This should include consideration of advocacy to change current public transport routes to provide direct public transport to the site.
- The Bushfire Management Overlay on the subject site requires a Bushfire Hazard Assessment and Landscape Assessment and Bushfire Management Statement. It is

recommended following advice from Yarra Ranges Council planners that the scope of the Bushfire Hazard Assessment be expanded to incorporate extended fire-risk zones for the Healesville Commons site.

- That the next project phase for the Belonging Place project consider and seek to minimise the impact on significant trees and incorporate measures to ensure that construction works reduce the requirement for tree removal or potential for damage to trees at the site.
- It is noted that the subject land is not within the Land Subject to Inundation Overlay but it is recommended that the Yarra Ranges Council seek advice from Melbourne Water regarding any updated flood information or risk assessment as well as conduct a study of potential risk associated with overland flows.
- It is recommended that the Yarra Ranges Council develop an Aboriginal Cultural Heritage Management Plan for the site as a priority before embarking on the next stage of the project (Schematic Design) and prior to lodging a planning application for the proposed development.
- That Yarra Ranges Council develop a comprehensive program of works to progress Land Tenure and Crown Land Matters, Site Master Planning (including Urban Design) and a range of Planning and Associated Technical Matters. This program should be commenced as soon as practicable and progressed to completion over the next 12 to 18 months.
- That HICSA and Yarra Ranges Council in partnership consider relevant federal and state government funding opportunities.

ATTACHMENT 2. Belonging Place Concept Design



WORKSHOP ARCHITECTURE

VIEW 01

HEALSVILLE INDIGENOUS COMMUNITY CENTRE

19.09.18

7.3 Health & Wellbeing Strategy Year 1 Report

RESPONSIBLE OFFICER Acting Director Social & Economic Development

SUMMARY

Council develops a Municipal Public Health and Wellbeing plan every four years as required by the Public Health and Wellbeing Act 2008. This report provides a progress update for Year 1 (2018) across the seventeen goals of the 2017-2021 Health and Wellbeing Strategy (the Strategy). The update includes work delivered in Council's core business areas: services, infrastructure, open space and community support that have contributed to improving community health and wellbeing, and key projects.

The key projects include partnering in integrated health planning with local health services; a VicHealth funded *Water in Sport* project, work on housing affordability, and three Major Initiative Projects (MIPs):

- Closing the Indigenous health gap.
- Making water people's drink of choice instead of sugary drinks.
- Increasing walking for active transport, recreation and exercise.

The collective impact approach being applied to the MIPs focuses on collaboration across Council. It includes skill building in how to undertake collective impact work and evaluation, and how to better measure the impact of our work in the community. Feedback on the new cross-Council MIP approach indicates increased organisational awareness of the key priorities of the Health and Wellbeing Strategy.

RECOMMENDATIONS

That Council endorses the year 1 progress report for the Health and Wellbeing Strategy 2017-2021 which includes feedback from Council's Health and Wellbeing Advisory Group.

DISCLOSURE OF CONFLICTS OF INTEREST

The author has no conflict of interest.

PROPOSAL

The proposal is that Council note progress and endorses the Year 1 report on the Health and Wellbeing Strategy. The report also provides information to the community on the implementation of the Strategy and outlines the new approach taken through a focus on three Major Initiative Projects.

BACKGROUND

Council's Health and Wellbeing Strategy 2017-2021 has three priority areas for action to improve community health and wellbeing:

- Connected and Healthy Communities, Resilient and Liveable Communities, and Equitable and Inclusive Communities.

Seventeen goals relating to these three priorities describe the future Council is working towards to improve health and wellbeing for communities.

The Strategy identifies three Major Initiative Projects (MIPs) that use a Collective Impact approach to improving health. Collaboration in Council's internal and external work aims to better leverage existing Council roles, influence, skills and resources to progress key health and wellbeing priorities.

Examples of the work are attached (please refer to Attachment 1). Highlights from Year 1 of implementation including case studies are also attached (refer Attachment 2).

STRATEGIC LINKS

The Health and Wellbeing Strategy is an overarching strategy for promoting the health and wellbeing of the entire community. It links directly to both Council's externally-focused strategies and plans; and to internally-focused work such as Live Well Work Well, the Diversity and Inclusion Policy, and the Gender Equity Action Plan. The Strategy also aligns with the policy objectives of the MSS, and Council's Environment and Adapting to Climate Change strategies.

The Recreation and Open Space Strategy (ROSS) currently under development references the Health and Wellbeing Strategy, drawing a line of sight to the goals to increase physical activity and improve mental health and will translate these goals into actions on the ground through Council's roles in land provision, sport and recreation.

The Strategy links to the priorities of the Victorian Public Health and Wellbeing Plan and the Victorian Health and Wellbeing Outcomes Framework. It also outlines how Council will respond to the recommendations of the Royal Commission into Family Violence.

CONSULTATION

Council's Health and Wellbeing Advisory Group and the Indigenous Advisory Committee are closely involved in monitoring and providing input in to the MIPs and the Strategy more broadly. The Disability Advisory Group has a range of inputs to Council projects that relate to the Strategy, including Ridgewalk and the ROSS strategy.

A range of community members and key stakeholders are involved in the development and implementation of many Council health and wellbeing projects, including a number of the projects showcased in the attachment to this report (Upper Yarra Partnership, Fruit Fly Prevention project, PlaySpace Strategy).

The MIP project *Water – the Drink of Choice* involved discussions with stakeholders, including the Yarra Ranges Integrated Health Planning group. *Walking the Way to Go* MIP engaged with a range of experts to explore evidence and consultation findings.

FINANCIAL IMPLICATIONS

There is an operational budget for the implementation of the Health and Wellbeing Strategy. Much of Council's work relating to health and wellbeing is funded through operational budgets across Council. Vichealth grant funding to support the *Water in Sport* MIP was obtained for three years.

KEY ISSUES

The Health and Wellbeing Strategy is an overarching strategic document identifying where change is needed to improve the health and wellbeing of the community. The update gives examples of work across each of the goals, and other work to improve community health and wellbeing.

Environmental Impacts

Many projects noted in this report are expected to have positive environmental impacts in the long-term. The Water MIP aims to reduce the consumption of sugary drinks and increase the consumption of freely-available water, reducing the amount of single-use drink bottles being disposed of. The Walking MIP aims to increase active transport and walking for recreation, which will have the benefit of reducing car usage and the associated environmental impacts.

Social Impacts

The Health and Wellbeing Strategy will have positive social impacts, including increasing volunteering, supporting a socially and culturally inclusive community, promoting gender equity to prevent violence against women, increasing participation in education and training, supporting involvement in local decision making, increasing safe behaviours around alcohol, and helping children and young people to thrive. The progress report notes projects which Council is leading or partnering in that have positive social impacts.

Economic Impacts

The Health and Wellbeing Strategy aims to have positive economic impacts through supporting residents' participation in the local economy, advocating for affordable housing, and working to increase service availability and access. The Strategy recognises economic factors particularly employment as a determinant of health.

The Water in Sport project, by shifting drink purchases away from sugary drinks, has the potential to have a long term economic impact on the cost to the health care system.

Having a more culturally safe organisation will make working for Council more attractive to Indigenous applicants and there are substantial economic benefits from employment.

Risk Assessment

In undertaking a collective impact approach through the three MIPs there is a risk that the approach will not work as expected. Draft action plans and progress measures have been developed to monitor progress and protect against these risks.

CONCLUSION

The Year 1 progress report provides a snapshot of the progression of key projects and work which occurred in Year 1 of the Health and Wellbeing Strategy. Year 2 will continue work across all of the goals of the Strategy including ongoing advocacy for the health and wellbeing of the Yarra Ranges community.

ATTACHMENTS

- 1 Health and Wellbeing Year 1 Actions
- 2 Health & Wellbeing Year 1 Highlights

Year One Actions - key projects towards the goals of the Health and Wellbeing Strategy in 2018

Project examples	Project description – how it contributes achieving the Health and Wellbeing Goal	Type of work
Connected and healthy communities		
Goal 1 People are able to access, prepare and eat nutritious foods		
Gardens for Harvest	Council runs the Gardens for Harvest program in partnership with Knox City Council. The program provides information and workshops for residents on how to grow their own food, and how to use their home grown produce, increasing their capacity to access, prepare and eat nutritious food. This project also fits under the goal that people enjoy safe, sustainable natural and built environments, with a sustainable local approach to food production.	Community work
Grants for Community	Council's Grants for Community program funded a range of projects and events to improve people's knowledge of growing their own food and healthy eating. Sarah Court Preschool ran its fifth Healthy Harvest Festival in Montrose encouraging people to grow their own food, cook healthy meals, shop locally and be active. This project also fits under the goal that <i>people enjoy safe, sustainable natural and built environments</i> , with a sustainable local approach to food production; and the goals relating to <i>physical activity</i> .	Funding
Water Infrastructure	An audit as part of the <i>Water MIP</i> shows there are over 80 drinking fountains installed in Yarra Ranges. Access to drinking water in public places and spaces is an effective role Council can play to encourage water as the drink of choice. Round 1 of the new drinking fountain program will include new units at the following locations: <ul style="list-style-type: none"> Healesville - replace old unit in café seating area at 201 Maroondah Highway and new unit outside 199 Maroondah Highway/ Upwey replace old unit in Main Street play space/Millgrove in McKenzie King Adventure Playground/Lilydale path to Warby trail, in civic area at front of main street toilets/Lilydale Lake at the connector path to Rocky's Way on the lake walking circuit/Mt. Dandenong outside IGA/Kilsyth between new pavilion and the Memorial Hall/Monbulk in Main Rd, near newsagents/Yarra Glen in Main Street, at pedestrian crossing furniture setting/Wandin North at P.J. Mould reserve/Belgrave Burwood Highway near toilet facilities 	Provision of local infrastructure
Goal 2 People enjoy good mental health throughout their lives		
Youth Round Table	Council is advocating with partners for improved access to youth mental health and other health services. The Youth Round Table aspires to developing a Youth Health Hub in Lilydale, to provide a range of services to young people. The group met with Ministers to gain support for a Youth Service Hub, and is developing a model for the hub. The Youth Round Table is also working to develop a suicide prevention project. The Round Table with our goal ... <i>being able to access appropriate health services, and every child and young person being able to thrive and reach their full potential.</i>	Advocacy
Goal 3 People who drink alcohol do so in moderation and safety		
Local Drug Action Team funding	Yarra Ranges is a member of the Eastern Metropolitan Region Action for Alcohol Flagship Group. In 2018, the group was successful with funding through the Australian Drug Foundation (ADF) to become a Local Drug Action Team (LDAT). The LDAT Program enables communities to better work together to deliver evidence-informed activities that prevent	Advocacy Partnerships

ATTACHMENT 1. Health and Wellbeing Year 1 Actions

Health and Wellbeing Strategy 2017-2021 – Year 1 progress report, tables

1

Project examples	Project description – how it contributes achieving the Health and Wellbeing Goal	Type of work
	and minimise the harm caused by alcohol and other drugs. This project highlights the benefits of joint advocacy work, and collaboration with partners across the Eastern Metropolitan Region.	
Goal 4 People participate in learning and education across life-stages		
Enhancing educational and employment opportunities for young people	Council is a member of the Outer Eastern Learn Local Employment Network (OELLEN), which works on youth initiatives. Council is also a member of the Yarra Ranges Tech School Reference Group, which prepares students for a changing world - strengthening students' employability skills and linking education to growth industries. Recently, Council connected the Yarra Ranges Tech School with a local business, which resulted in initiatives to bridge the gap between education and real world employment needs.	Advocacy Planning
Goal 5 People are engaged in local decision making and leadership		
Planning for place local area planning	The planning for place project aims to develop an integrated liveability framework for localised planning. It includes cross-organisational work and community participation to improve neighbourhoods, community centres, towns and cities. The Lilydale Project Reference Group has developed a draft Place Plan for Lilydale. The draft plan for Lilydale is proposed to guide development, advocacy and programs in Lilydale over the next 20 years.	Planning Advocacy Community work
Develop Community Plans	Council facilitates communities to develop community plans, with a focus on building the leadership capacity. The most recent plan is the Badger Creek Community Plan, and Council is now facilitating a community plan with the Lilydale community. Connect Lilydale: In 2018, officers facilitated community discussions for Lilydale under the banner "Connect Lilydale". Lilydale community members identified their key community priorities. In November, approximately 100 residents attended a meeting for the development of a community plan and a new township group has formed. This group will support the community planning process for Lilydale and build community leadership skills. Several projects are already underway as a result of community planning discussions. Warburton Place Plan: Council is developing a Warburton Place Plan, to complement the Warburton Mountain Bike Project. Place planning with the community is intended to increase liveability in key places. The Place Plan will dovetail with the Warburton Mountain Bike Master Plan and take a broader look at Warburton's community, cultural, transport, land use and infrastructure needs. The community engagement component will start soon, building on a wide range of community engagement which has already occurred in Warburton.	Community work Planning
Yarra Glenenergy	The 2016 Yarra Glen People's Panel resulted in the emergence of a Yarra Glen renewable energy group, Yarra Glenenergy, a volunteer-run, non-profit organisation, supported by a community owned fund which is dedicated to investing in renewable energy projects in Yarra Glen. The group developed a business case, and business model covering the economic, environmental, social and cultural aspects of their work. A range of renewable energy projects, are planned including partnering with business to install solar panels with no upfront cost. This project also aligns with Council's goal that <i>people enjoy safe, sustainable natural and built environments</i> .	Community work

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ATTACHMENT 1. Health and Wellbeing Year 1 Actions

Health and Wellbeing Strategy 2017-2021 – Year 1 progress report, tables

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Project examples	Project description – how it contributes achieving the Health and Wellbeing Goal	Type of work
Resilient and liveable communities		
Goal 6 People are physically active		
Creating a Place for Women in Sport – VicHealth award finalist	<p>Creating a Place for Women in Sport project was a finalist in the 2018 VicHealth awards for “Promoting health through physical activity and sport”. The key objectives of the tool were to:</p> <ul style="list-style-type: none"> • Increase opportunities and participation for women in all areas of sport and recreation clubs. • Support sport and recreation clubs to create positive actions towards gender equality. 	<p>Advocacy Service provision Community work</p>
Upwey sports pavilion	The UTCRASH project at Upwey was named 'Best Community Football Facilities Project' winner at the 2018 AFL Community Awards. The \$3.6 million two-storey community, recreation and sporting pavilion opened in March 2018. It provides the Upwey and Tecoma communities with a modern and well-designed facility, to suit the needs of the 23 sporting clubs and community groups who utilise the space.	Facilities development to promote physical activity
New PlaySpace Queens Park, Healesville	Construction of the new play-space at Queens Park in Healesville has commenced and will include new playground equipment, landscaped areas, including formal and informal seating and paths connecting the play-space to the existing paths. This will provide a new active play area and new walking paths and better connections.	Infrastructure
Monbulk Community Sports Pavilion	Building works have started for the new Monbulk Community Sports Pavilion. The new facility will offer a place to hold meetings, gatherings and community events; and encourage participation in recreational and sporting activities. The oval upgrade will provide a new turf and pitch facilities for community sport and recreation. It will include a community gathering space, change room facilities with unisex change, showers and amenities, a gymnasium and a training room. The new change rooms also support Council's goal of <i>enhancing a culture of gender equity</i> .	Infrastructure
Recreation and Open Space Strategy	The Recreation and Open Space Strategy focuses on improving recreational facilities for the community. Over the past year or so, Council has completed several play spaces, two pavilions (with two more being constructed and two being designed), and the installation of five female friendly change facilities . The new change room facilities also support Council's goal of <i>enhancing a culture of gender equity</i> .	Planning Infrastructure
Goal 7 People have access to active transport modes such as walking, cycling and public transport.		
Free Range Kids	Council partnered with Inspiro Community Health to deliver the Free Range Kids program in terms 3 and 4 of 2018. The program aimed to increase children walking to and from school, with the ultimate goal of increasing children's independent mobility within their community. Free Range Kids is a class-based program which increases children's level of physical activity and supports them to develop resilience, self-confidence and social skills.	Service delivery Partnership work

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ATTACHMENT 1. Health and Wellbeing Year 1 Actions

Health and Wellbeing Strategy 2017-2021 – Year 1 progress report, tables

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Project examples	Project description – how it contributes achieving the Health and Wellbeing Goal	Type of work
Regional Growth Fund: Council shortlisted from over 300 national applications for the \$270m. Regional Growth Fund	Council applied to the Regional Growth Fund for several 'River to Ridges' projects, including the Warburton Mountain Bike Destination Stage 1, the Yarra Valley Trail Stage 1, the RidgeWalk and the Warburton Recreation Precinct. These projects would create new opportunities to walk, ride, explore and recreate in Yarra Ranges accessing more uninterrupted walking trails and also learning about the cultural and artistic history of the region.	Infrastructure Advocacy
Capital works program for footpaths and cycle-ways	Footpath works are underway across Yarra Ranges to improve and link pathways, and link residents to public transport services and townships. The 2018/19 capital works program includes \$4.87 million for new and upgraded footpaths and cycle-ways, including a range of new concrete footpaths. A range of footpaths were completed in in Lilydale and Chirnside Park.	
Goal 8 People are able to contribute to and participate in their local economy		
Business engagement	Over the past 10 months, Economic Development hosted nine Small Business Mentoring clinics, assisting 38 business owners to start or grow their business. Together with Small Business Victoria and Yarra Ranges neighbourhood houses, Economic Development also hosted business workshops attended by 130 businesses.	Service delivery Partnership work
Coldstream Recycled Water Pipeline Scheme	In November 2018, the Coldstream Recycled Water Pipeline Scheme was allocated \$250,000 from the National Water Infrastructure Development Fund. Once built, the Pipeline will take treated wastewater to 50 on-farm dams in Coldstream and Gruyere, to allow irrigated horticulture and support the growth of the agribusiness sector. It will improve the health of local waterways and catchments by reducing wastewater discharged into the Yarra River. The Scheme is community-driven and Council's Economic Development team has actively supported as a priority project. This project also supports Council's goal that <i>people are able to access, prepare and eat nutritious foods</i> .	Advocacy
Goal 9 People have access to vibrant arts and heritage experiences that connect communities		
Cultural Development Program	In 2018, Cultural Development and Community Development teams collaborated to design and deliver the place-based creative project 'It Takes A Town'. This participatory art project for young people resulted in temporary public artworks in Healesville. This project links with the goal that every child and young person can thrive and reach their potential. The Cultural Development team supports and delivers cultural development projects with the community, through strategic grant funding in the Small, Annual and Partnership grant categories. In 2018, the team supported thirty community-driven projects funded by the grants program; and thirteen community organisations/programs funded through the Partnership Grants program.	Planning Community work Funding
Goal 10 People enjoy safe, sustainable natural and built environments		
Warburton Community Hydro Project – Kimberley Powerhouse	The Warburton Community Hydro Project is open. The Kimberley Powerhouse at the Warburton Golf Club uses water from Ythan Creek to generate power, before returning the water back to the creek. It provides the town with a renewable energy option and a return of sustainable profits to the community and will reduce carbon emissions by an estimated 700 tonnes per year. Income managed by Upper Yarra Community Power, will repay project costs, with	Advocacy Community work

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ATTACHMENT 1. Health and Wellbeing Year 1 Actions

Health and Wellbeing Strategy 2017-2021 – Year 1 progress report, tables

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Project examples	Project description – how it contributes achieving the Health and Wellbeing Goal	Type of work
	profits to Warburton and Yarra Junction Community Bank branches. Funds to be delivered through the community bank's sponsorship programs. Also an example of <i>people being engaged in local decision making and leadership</i> .	
Carbon Management Program – solar panels	Council has installed more than 2,000 solar panels on its buildings across Yarra Ranges, substantially reducing its carbon footprint and saving hundreds of thousands of dollars in power bills. Council's Carbon Management Program will involve more than 4,000 solar panels, thousands of lighting systems updated to LEDs and boilers upgraded. 700kW of solar power has been installed, saving Council about \$400,000 per year.	Infrastructure
Solar Savers Program for low income earners	Council is supporting pensioners and low income households to install solar with no upfront costs. People are provided with a low-interest bank loan to install solar panels, to be paid back gradually over 10 years. Over the long-term, this program will support sustainability and reduce financial stress on some vulnerable households.	
Goal 11 People have suitable, affordable and stable housing		
Affordable housing project in Lilydale	Council will undertake a feasibility study on providing affordable housing at 67-69 Anderson Street Lilydale, following community engagement and a successful application to the State government for a SHIP grant. Community members concerns about a social housing development which will be addressed in the feasibility (parking, traffic, trees).	Advocacy Funding Project Planning
Yarra Ranges Housing Action Group	The Yarra Ranges Housing Action Group advocates for affordable housing, and lobbies all levels of government regarding the lack of affordable housing and resources for homelessness support in Yarra Ranges.	Advocacy Partnership work
Goal 12 Every child and young person can thrive and reach their potential		
Upper Yarra Partnership	The Upper Yarra Partnership is leading engagement and working with key stakeholders, to build stronger and connected services and schools that are responsive to the needs of children and families across the Upper Yarra. Partners undertook group training in the collective impact approach, exploring how the Partnership can most effectively work together and identified building social connections and being safe at home as two key areas of focus.	Partnership work Advocacy Planning
School Focused Youth Service (SFYS)	The SFYS funded a range of initiatives in 2018: <ul style="list-style-type: none"> • 61 participants from 15 primary and secondary schools attended training on trauma informed education. • Mental health initiatives reached 371 students in the Yarra Ranges, through engagement with 51 schools. • Ongoing advocacy for outreach services to outer regions of the Yarra Ranges. • SFYS developed a survey of young people with partner organisations, to inform health literacy work with young people. 	Advocacy Funding Capacity building Partnership work Strategic planning Research
Goal 13 Older people enjoy active and healthy lives		
Age Friendly Communities	Council is developing an Age Friendly Communities strategic action plan, to enhance social connections, and promote the principles of healthy and active ageing within the community.	Planning Advocacy
Aged and Disability Services	An Over 50s Festival was held in September 2018, giving residents access to a range of seniors' events and celebrating the contribution of senior residents to the community.	Service delivery

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ATTACHMENT 1. Health and Wellbeing Year 1 Actions

Health and Wellbeing Strategy 2017-2021 – Year 1 progress report, tables

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Project examples	Project description – how it contributes achieving the Health and Wellbeing Goal	Type of work
Equitable and inclusive communities		
Goal 14 People belong to and participate equally in inclusive communities		
Leadership program for young women living with disabilities	During 2018, Council ran two Enabling Women programs aiming to empower young women. The program connects, expands participants' community networks, find solutions to social and cultural challenges and helps participants to find their leadership and advocacy potential. Supported by Knox City Council, Yarra Ranges Council, Women's Health East, OELLEN, the Portland House Foundation and Women With Disabilities Victoria.	Capacity building Partnerships
Goal 15 People can access appropriate health services		
Belgrave Community Hub	The Hills communities can better access essential health services, including maternal and child health, youth development services and paediatric occupational therapy and speech therapy, at Belgrave Community Hub. The hub was completed in 2018 and was built in partnership with Inspiro Health Services. Dandenong Ranges Emergency Relief Service also operates out of the hub. Dental services will operate from 2019 and provide quality, affordable care.	Infrastructure Advocacy Service provision
Goal 16 Women and children live free from abuse and violence through a culture of gender equity and respect		
Funding for the MABELS Family Violence Program	Council advocated for further funding for the early intervention MABELS Family Violence Program which operates across Yarra Ranges and Maroondah - led by Eastern Community Legal Centre (ECLC). Late 2018 \$400,000 was granted for a further 12 months of the service. MABELS is a Health Justice Partnership between ECLC, Boorndawan Willam Aboriginal Healing Service and two councils. Women receive advice and assistance at a much earlier point in their experience of family violence than they may have otherwise. Also aligns with Council's goal that <i>people can access appropriate health services and Indigenous residents can access culturally safe services</i> .	Advocacy Partnerships Service delivery
Gender equity projects	Examples of Council's gender equity work include: <ul style="list-style-type: none"> • Participating in stakeholder consultations for the Victorian Gender Equity Act. • Grant funding for the second phase of Youth Gender Equity Ambassadors Project; gender equity advocates. • Working with Voices of Women, Eastern Health and VLGA to increase women's participation in Council elections. • Taking a leadership role in developing the new Together for Equality and Respect strategy and action plan. • Delivering 3 workshops on working with women with disabilities who experience abuse and violence. 	Advocacy Partnership work Capacity building Strategic planning
Goal 17 Indigenous residents: live free from discrimination and racism, connected to their culture & identity; access culturally safe services in community controlled organisations and; are supported to have healthy pregnancies and thrive in early childhood		
Funding Ownership of Galeena Beek Healesville transferred to the	In October 2018, it was announced that the land known as Galeena Beek in Healesville would return to the Indigenous community. The decision transfers ownership of the Galeena Beek properties to the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Aboriginal Corporation. Council has long advocated for the properties to be	Advocacy Partnership work

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ATTACHMENT 1. Health and Wellbeing Year 1 Actions

Health and Wellbeing Strategy 2017-2021 – Year 1 progress report, tables

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Project examples	Project description – how it contributes achieving the Health and Wellbeing Goal	Type of work
Indigenous community	returned to Aboriginal control and supported Aboriginal organisations in this aspiration. The envisioned Wurundjeri Cultural Centre will provide outcomes across the social and cultural determinants of Aboriginal health.	
Healesville Belonging Place integrated service hub	The Healesville Belonging Place Feasibility Study Report provides the rationale for the development of the Belonging Place integrated hub to support delivery of a range of services to meet the needs of the Aboriginal and Torres Strait Islander community. There is strong policy support for the project at Commonwealth, Victorian and local government levels. The Healesville Structure Plan includes the proposal for development at the Healesville Commons site. Will be a practical commitment to self-determination through Aboriginal-community-control of services.	Advocacy Partnership work Funding
Reconciliation Policy and Framework for Action	The Reconciliation Policy and Framework for Action is implemented in partnership with Council's Indigenous Advisory Committee, and works with community organisations to improve Indigenous health and wellbeing. Council's Reconciliation Week event had a record 280 people attend, with highly positive feedback about the educative and influencing impacts of the event.	Strategic planning Partnership work Advocacy

31 January 2019



Year 1 Progress Report – Health and Wellbeing Strategy 2017-2021



12 February 2019



EXECUTIVE SUMMARY

The Public Health and Wellbeing Act 2008 requires Councils to develop a municipal public health and wellbeing plan every four years. Council finalised its Health and Wellbeing Strategy 2017-2021 in October 2017, and 2018 was the first full year of implementation.

2018 had a focus on:

- three cross-Council Major Initiative Projects,
- increased focus on collaborative work with local health services, and
- the start of the VicHealth-funded *Water in Sport* project.



A wide range of innovative projects have occurred across Council, under each of the 17 Goals of the Health and Wellbeing Strategy. At the same time, Council's core business in all areas of service, infrastructure, open space and community support continued to improve community health and wellbeing.

BACKGROUND

Year 1 of Strategy implementation had a new focus on collaborative, cross-Council work on the three Major Initiative Projects (MIPs) identified in the Strategy. The MIPs focus on:

- closing the Indigenous health gap
- making water the drink of choice instead of sugary drinks
- increasing walking for active transport, exercise and recreation.

In 2018 work on the Strategy has focused on these three projects, setting the foundations for strong outcomes in the community through a better coordinated, more collaborative effort.

Feedback on this new cross-Council approach has been positive and shown increased awareness of the Health and Wellbeing Strategy and the three priority projects. The collaborative approach taken has involved a learning curve for members of the three MIP project groups, including skill building in collective impact work, outcomes thinking and progress measurement.

Simultaneously, an Integrated Health Planning Group made up of Council, local and regional health service organisations also took a more collaborative approach to their work. This work identified shared health priorities and ways of working together to improve health and wellbeing.

Council was also successful in getting a 2 year VicHealth-funded *Water in Sport* project. This aligns with and supports the MIP project.

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PRIORITIES AND GOALS

Council has three inter-connected priority areas for building a healthier community, and addressing the most pressing and wellbeing health needs in Yarra Ranges: connected and healthy communities, resilient and livable communities, and equitable and inclusive communities. Seventeen goals sit underneath these priorities, as shown below.

 <p>Goal 1 People are able to access, prepare and eat nutritious foods</p> <p>Goal 2 People enjoy good mental health throughout their lives</p> <p>Goal 3 People who drink alcohol, do so in moderation and safety</p> <p>Goal 4 People participate in learning and education across life-stages</p> <p>Goal 5 People are engaged in local decision making and leadership</p>	 <p>Goal 6 People are physically active</p> <p>Goal 7 People have access to active transport modes such as walking, cycling and public transport.</p> <p>Goal 8 People are able to contribute to and participate in their local economy</p> <p>Goal 9 People have access to vibrant arts and heritage experiences that connect communities</p> <p>Goal 10 People enjoy safe and sustainable natural and built environments</p> <p>Goal 11 People have suitable, affordable and stable housing</p> <p>Goal 12 Every child and young person can thrive and reach their potential</p> <p>Goal 13 Older people enjoy active and healthy lives</p>	 <p>Goal 14 People belong to and participate equally in inclusive communities</p> <p>Goal 15 People can access appropriate health services</p> <p>Goal 16 Women and children live free from abuse and violence through a culture of gender equity and respect</p> <p>Goal 17 Indigenous residents:</p> <ul style="list-style-type: none"> live free from discrimination and racism, connected to their culture & identity access culturally safe services in community controlled organisations are supported to have healthy pregnancies and thrive in early childhood
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THE MAJOR INITIATIVE PROJECTS (MIPs)

Walking the Way to Go

More than half of residents in Yarra Ranges do not engage in enough physical activity for good health. The *Walking the Way to Go* project aims to increase walking within the community, by improving 'walkability', and also encouraging people to walk more.

Walkability is a measure of how friendly an area is for walking. Council aims to improve how we coordinate work to enhance walkability of parks and open spaces and upgrade and increase footpaths, trails and pedestrian crossings. Improving this infrastructure will assist more residents to engage in active lifestyles that can have health, economic and environmental benefits for our community.



Water – Everyone's Drink of Choice

Drinking water instead of sugar-sweetened drinks can positively affect health. Work on making water everyone's drink of choice aims to help residents to "make healthy drink choices where they live, work, study and play".

Funding to install more water refill stations has been secured; Council has audited and mapped Council-owned water fountains across the municipality; and Council is working with local sport and recreation centres, through a VicHealth-funded project to promote water as the drink of choice. Within Council, this MIP project is working on reducing consumption of sugary drinks; and is supporting a pilot project with local community health services, to make water the drink of choice in selected schools and sports clubs.



Indigenous Health – Closing the Gap



Significant health inequalities exist between Aboriginal and non-Aboriginal Australians. This is true for Yarra Ranges' Aboriginal residents, who continue to have higher rates of chronic diseases such as diabetes, and to die at a younger age. On advice from Council's Indigenous Advisory Committee and other key stakeholders, this MIP is now working to improve Aboriginal health and wellbeing through a range of targeted initiatives focused on the social and cultural determinants of health, such as reducing racism and strengthening culture - both of which positively affect wellbeing. A related project is to increase cultural literacy within Council and the broader community, to ensure that Aboriginal residents can access services and participate fully in the community.

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PLANNING IN PARTNERSHIP

Over the past two years, Council has been involved in an Integrated Health Planning group with Inspiro, Eastern Health, the Outer East Primary Care Partnership, EACH and Women's Health East, to facilitate joint work on our shared health and wellbeing priority areas.

The group identified key shared priorities and in 2018 focused on shared efforts to strive towards a community where water is the drink of choice. The partnership is working to support current and future grassroots efforts to encourage healthy drink and food choices, by increasing the availability of 'green'(healthy) food items and decreasing the availability of 'red' (unhealthy) food items in leisure centres, sporting clubs and schools.



EVALUATION APPROACH

Evaluation of the new Health and Wellbeing Strategy (required of all Councils) will focus on the three MIPs, with a new outcomes-based approach being developed to measure impact. Often evaluation for projects related to community health and wellbeing uses process indicators – how many people came to an event, how many people used the service, etc.

The evaluation of the MIPs will focus on impact and capacity – measuring whether the project actions made a difference to people's knowledge and behaviours. For instance, do Council staff have increased cultural literacy, are people drinking more water, has cross-Council work increased?

During 2019 the evaluation effort will include: data collection for the MIPs; refining the MIP action plans; and developing an evaluation framework to capture the range of Council health and wellbeing work for this and future strategies. Council also has a range of projects which have specific evaluation strategies in place, for example:

- Deakin University evaluation of the Water in Sport project to determine the reach and effectiveness of providing capacity building to local government to implement healthy drink policies in their sport and recreation facilities. This will also assess the impact of the project on policy, healthiness of available drinks and consumer purchases and attitudes.
- The First 1,000 Days Indigenous wellbeing project will be evaluated by in-depth baseline and follow-up surveys undertaken by Melbourne University. Note: due to changes in personnel at the University this project needs to be confirmed as proceeding.
- The Healesville Indigenous Cultural Services Association (HICSA) will conduct a series of cultural literacy audits within Council, to evaluate changes in cultural awareness, knowledge and attitude.

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CASE STUDIES – COUNCIL'S HEALTH AND WELLBEING STRATEGY IN ACTION



Pathways for Carers

Pathways for Carers walk will expand into Healesville in February 2019, building on the success of the Mt Evelyn walk. Run by a partnership of Yarra Ranges Council, EACH Mental Health Respite Carer Program, and Healesville Living and Learning Centre, *Pathways for Carers* supports carers of people with a disability or a mental illness. It provides an opportunity to walk and talk with other carers and learn more about local services and supports. It provides social connection, information and physical activity. Carers also

enjoy morning tea after the walk. Residents of the Valley can be affected by both geographic and social isolation, and have less access to support services, so this program is highly valuable to carers in Healesville.

Water in Sport Project

Currently in Australia, the least healthy option is often the easiest food and beverage choice. Supporting healthy eating is a priority for Council because of the positive impact it can have on health. Strategies to make the healthy choice the easiest and most obvious choice have been effective. To this end, Council has partnered with Inspiro Community Health to work with sports and recreation centres and outdoor pools, to reduce consumption of sugary drinks. Council obtained a VicHealth grant for *Water in Sport* project officer. The project aims to increase the availability, visibility and promotion of healthy drinks in Council's Recreation Centres to reduce the availability and visibility of sugary drinks. The aim is to increase people's willingness to choose water.

The project started in May 2018. Drinks are categorised according to the Victorian Government's Healthy Choice guidelines into 'green' (the healthiest), 'amber' and 'red' (least healthy). Audits, staff training and changes to the fridges are underway. Posters on the health impacts of sugary drinks are now displayed in the cafés.



To date the difference in stock in the fridges has been dramatic and sales figures are showing a change in consumer behaviour. The project has not only changed the amount of soft drinks available, but has also changed where they are placed in fridges, meaning that they are harder to see from in front of the counter, especially for children. The level of sugary drinks in Council's three indoor centres has more than halved, dropping from 55% in May/June 2018 to 23% in October. The level of green drinks has risen from 29% to 68%. Work with Council pools commenced in November/December 2018 after the summer opening, and changes in sugary drink supply and sales will be assessed at the end of summer 2019.

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Increasing access to physical activity – working with Belgravia Leisure

Council's aquatics contract with Belgravia Leisure offer more than just a place to swim and exercise. Council is working with Belgravia to integrate community health and wellbeing outcomes in a more strategic way, as part of their service delivery.

In February 2018, a workshop bringing Council and Belgravia Leisure managers and staff together discussed how aquatic services in Yarra Ranges could align in a more evidence-based and targeted way with Council's Health and Wellbeing Plan in line with the values of both organisations. The *Aquatics Service Delivery Project Reference Group* now oversees the integration of improved community health and wellbeing programs into aquatic services at Yarra Ranges.

New key performance indicators (KPIs) for the Belgravia Leisure Contract for Service Delivery now align with the goals of Council's Health and Wellbeing Strategy. Several targeted programs have been co-designed by Yarra Ranges Council and Belgravia Leisure staff, including the *Care and Share* program for people with a disability, and the *Move for Mind* project for young people.

People with a Disability: Care and Share program

Building on the success of the Carers' Exercise Group in Yarra Junction, *Care and Share* will provide social, physical and psychological benefits for the participants and a respite component from their caring role by:

- increasing social connections, reduce isolation and foster supportive networks, addressing health and wellbeing concerns for example through a physical fitness program and increasing the capacity of carers for self-care e.g. mindfulness, meditation, myotherapy and nutrition.

Youth: Move for Mind - connecting young people to leisure for mental health

Move for Mind aims to promote health and fitness of young people at recreation facilities by managing stress and anxiety offering an introductory gym and leisure program for young people in the community aged 12 – 18yrs and create an avenue for employment for young people from economically disadvantaged backgrounds.

Walking Trails, Sporting Infrastructure and Township Improvements

The Health and Wellbeing Strategy places high value on the infrastructure roles of Council in supporting the health of local communities. Council has invested in a number of high impact projects in 2018, many in planning or feasibility stage, but which have the potential to increase levels of physical activity.

The development of a Paths and Trails Strategy will guide Council's capital works priorities over the coming decade and seeks to increase access to our many paths and trails for people of all ages and abilities. The Recreation and Open Space Strategy, also in development, aims to get more people, more active, more often. It will direct Council's investment for the future in how it allocates land for physical activity and recreation and how it supports organised sport and the array of recreational activities people enjoy.

Grants for Community: Mountain Men social group

Council distributes over \$1.3m to community organisations across Yarra Ranges through 3 grant programs. The grants invite locally focused, creative and community development projects that respond to health and wellbeing issues. Health and wellbeing goals form part of the grant criteria. This is designed to elicit strength based projects that tap into local skills, knowledge and energy to meet needs and take up opportunities to build vibrant communities.

Mountain Men recently received Grants for Community funding for a new service focusing on social and support initiatives for men of all backgrounds and abilities. On average, one in eight men will experience depression and one in five men will experience anxiety at some stage of their lives. The number of men who die by suicide in Australia

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every year is nearly double the national road toll. Mountain Men offers group activities to reduce isolation and improve mental health and wellbeing. This project was successful because of the direct link to the Health and Wellbeing Strategy goal to improve mental health. It is one of many projects funded by Council to support communities to work together to improve health and wellbeing in their communities.

Promoting safe, appropriate and affordable housing

Council has a number of roles to help improve access to social housing and improvements to housing affordability more broadly. Housing is an important determinant of wellbeing.

Council is a member of the Eastern Affordable Housing Alliance (the Alliance) and works with 6 other eastern region Councils to research social housing needs and advocate to State and Federal governments. In 2018 a campaign “Zone In” was developed by the Alliance, advocating in the lead up to the State election. The Alliance was influential in changes to the State Planning Act and the new objective “To facilitate the provision of Affordable Housing in Victoria”.

Council has considered what it can do to respond to local housing need and support appropriate housing being available. A feasibility study has been commissioned to develop concept plans for social housing in Lilydale. The feasibility is funded through a State grant and takes account of 2017 community engagement findings and concerns.

Homelessness is increasingly evident in and around major activity centres in Yarra Ranges. Council launched its Homelessness Protocol in 2018 setting out roles and responsibilities for Council, Police and key services when responding to homelessness. This has improved coordination particularly in responding to people with complex needs. While there are no easy or quick solutions to the lack of housing for people who experience homelessness, this work is part of Council’s overall response to the local impacts of Australian wide housing affordability issues.

Gender Equality to Prevent Family Violence

As part of Council’s commitment that women and children live free from abuse and violence through a culture of gender equity and respect, Council has initiated or partnered in the following:

- *Creating a Place for Women in Sport* is an audit tool for sporting clubs to assess how open their clubs are to women’s involvement at all levels of the club. Developed in partnership with Inspiro Community Health, the tool facilitates participation by women and girls in sport and leadership and was launched in 2018.
- Yarra Ranges continues to promote gender equity in its own operations. Council undertook workforce development in 2018 to build skills and awareness of the role of gender equity in preventing violence against women. A major grant will progress this work in 2019.
- A Council grant project fostered leadership for a group of young people who now mentor their peers around gender equity. An arts based project, also funded through Council grants, focused on adolescent boys’ journeys into adulthood, challenging stereotypes of masculinity.
- Partnerships are a powerful way Council pursues this strategic goal:
 - In 2018, two *Enabling Women* programs empowered young women with disabilities to voice their issues, connect and expand their networks, address social and cultural challenges and realise their leadership and advocacy potential. A partnership with Knox Council, Yarra Ranges Council, Women’s Health East, OELLEN, Portland House Foundation, Women with Disabilities Victoria.
 - *Together for Equality and Respect* is a regional strategy led by Women’s Health East. Council is a signatory and involved in activities focused on gender equity to prevent violence against women.
 - Council and Women with Disabilities Victoria held two workshops and a master clas. Women with disabilities experience violence at greater rates than other women and this capacity building workshop was designed to enable professionals (n=39) to better recognise and respond to this form of gendered violence and review their own Disability Action Plans using a gender lens.

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Economic Participation

The Economic Development team continues to build capacity and foster growth across key industry sectors through the facilitation of small business training and mentoring; advocating for improved digital and telecommunication connectivity and advocating for improved freight networks and public transport to key employment hubs. Priority projects that foster a stronger local economy include:

- Council's *Priority Investment Process* is a cross team process to facilitate sustainable development and create more opportunities for local employment. The Red Rich Fruit processing facility on St Huberts Road was approved through this process in record time and will create an additional 70 jobs for our local community.
- Local agribusinesses have been supported through the Queensland Fruit Fly project which audited and removed potential host trees from Council land to reduce the risk to an important industry - fruit production. The Economic Development team engaged the community in this effort by disseminating advice about how to keep the Yarra Valley Fruit Fly free.
- The tourism experience has been enhanced through a co-ordinated tourist sign precinct at St Huberts Road which improves way-finding to the area's 7 tourism destinations. This signage is the first in Australia to trial the new craft beer symbol.

Upper Yarra Partnership

The Upper Yarra Partnership works to support children and families in the Upper Yarra to thrive. It uses a collective impact approach involving ten services in the Upper Yarra, to work together across five priority areas for child development and wellbeing. A key focus of the work is improving the connectedness and responsiveness of services and schools, to local community needs.

This initiative is guided by the vision of *"strengthening the Upper Yarra community to enable all children 0-14yrs to thrive and achieve their potential"*. The partnership uses early intervention strategies, working to change the determinants of health: transport, social connection, education/early learning and access to health and other services. By taking on these long standing challenges for communities it is hoped that educational and health outcomes will improve and that the high rates of family violence in the area will decline. The inclusion of children in the middle years will increase support during a time when they can be more vulnerable.

Partners: Yarra Ranges Council, Department of Education and Training, EDVOS, CIRE Services, Yarra Ranges Kindergartens Inc, Eastern Health, Eastern Volunteers, EACH, Warburton Primary School and Woori Yallock Primary School.



7.4 Release of the State Government's Timber Release Plan.

RESPONSIBLE OFFICER	Acting Director Social & Economic Development
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SUMMARY

The Timber Release Plan is a key strategy that dictates where native timber can be harvested by the state-owned Victoria Forests. The State Government has recently announced it will continue to withhold the Timber Release Plan which was due to be finalised in July 2018. This delay is causing significant issues for the local timber industry, with businesses unable to plan with any confidence. Furthermore a 20% reduction in the quota delivered to mills in the past twelve months is impacting the long term sustainability of these businesses.

Council's Rural Advisory Committee (RAC) has requested that Council write to the State Government requesting they immediately release the Timber Release Plan.

RECOMMENDATION

That Council write to the State Government requesting the immediate release of the Timber Release Plan.

DISCLOSURE OF CONFLICTS OF INTEREST

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

PROPOSAL

It is proposed that Council writes to the State Government requesting the immediate release of the Timber Release Plan.

BACKGROUND

The Timber Release Plan is a key strategy that dictates where native timber can be harvested by the state-owned Victoria Forests. The State Government has recently announced it will continue to withhold the Timber Release Plan which was due to be finalised in July of 2018. This delay is significantly impacting the local timber industry, with the timber quota delivered to timber mills this year 20% less than was previously identified. Withholding the Timber Release Plan exacerbates the uncertainty for small businesses directly or indirectly involved in the timber industry impacting business planning and employment security.

STRATEGIC LINKS

Supporting Agriculture connects directly to the 2012-2022 Economic Development Strategy which promotes innovation through local skills, business and employment; and aims specifically to support the agribusiness sector.

Supporting Agriculture links to the Council Plan, through the Strategic Objective - Vibrant Economy, Agriculture and Tourism.

CONSULTATION

Council's Rural Advisory Committee (RAC) meets quarterly to discuss strategic issues that impact agriculture in Yarra Ranges. The State Government's Timber Release Plan was discussed at their meeting on 1 March 2019, with a consequent resolution that requests Council write to the State Government calling for them to immediately release the Timber Release Plan.

FINANCIAL IMPLICATIONS

There are no financial implications.

KEY ISSUES

The delay in the Timber Release Plan is creating uncertainty for the timber industry with local businesses unable to plan ahead with any confidence. Timber industries are therefore unable to provide job security for their employees, which is impacting on the health and wellbeing of families.

Environmental Impacts

The Timber Release Plan will include environment impact statements and meet the environmental values set by the Federal Government's Sustainable Forest Management Framework.

Social Impacts

Ongoing employment for workers in the timber industry and its supply chain has a positive impact on their wellbeing and this has an indirect flow on effect to the community.

Economic Impacts

Agriculture in the Yarra Ranges is the 4th highest industry in terms of gross revenue, with an economic value of \$640 million. The Forestry & Logging sector contributes \$44.255 million (0.4%) of total output. There are an estimated 70 jobs in Forestry and Logging and an estimated 334 jobs in Saw Mill, Wood and Paper Manufacturing. The delay in releasing the Timber Release Plan is impacting local employment within the timber industry and other supporting industries such as transport and manufacturing.

CONCLUSION

The Timber Release Plan is the strategy which identifies where timber can be harvested within the state-owned Victoria Forests. The State Government continues to delay its delivery of the Timber release plan which is causing uncertainty within the local timber industry. The RAC is requesting that Council write to the State Government requesting the immediate release of the Timber Release Plan, which will allow the industry to plan for its future and provide certainty for its employees.

ATTACHMENTS

There are no attachments to this report.

CORPORATE SERVICES

No. of Pages – 4

7.5 CT5815 Enterprise Systems Project Tender Evaluation Report

RESPONSIBLE OFFICER Director Corporate Services

SUMMARY

- This contract is for the provision of a fit for purpose 'whole of organisation' enterprise systems solution on a Software as a Service (SaaS) platform and provision of services to implement, support and maintain this solution.
- Two (2) of the organisations, who were invited to demonstrate their proposed solutions, following an Expression of Interest process undertaken in June 2018, were subsequently invited to participate in a selective Tender on 10 December 2018.
- Tenders closed on 23 January 2019 and two (2) submissions were received.
- The evaluation panel recommends the tender from TechnologyOne be accepted for an amount of \$7,331,379 (excl GST), which includes annual SaaS subscriptions for the initial period of five years together with implementation services.
- 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 TechnologyOne for CT5815 Enterprise Systems Project for the total price of \$7,331,379 (excl GST) for the initial period of five years.***
2. ***The Director of Corporate Services be delegated authority to sign the contract documents.***
3. ***The Director of Corporate Services be delegated authority to extend the contract term on the terms set out in this Contract or re-negotiated terms if appropriate, for a further period of five years should this be determined to be in Council's best interest to do so and having due regard for "Best Value" principles.***
4. ***The confidential attachment to this report remain confidential indefinitely as it relates to matters specified under section 89(2)(d) of the Local Government Act 1989.***

DECLARATION OF CONFLICTS OF INTEREST

All members of the Tender evaluation panel signed the conflict of interest declarations. None of the members declared any actual, perceived or potential conflict of interest.

PROPOSAL

Seek Council approval to enter into a new contract for Enterprise Systems Project.

BACKGROUND

A detailed core systems review of Council's existing solutions identified functionality and operational issues and other non-compliance with the key ICT strategic objectives of:

- Mobility - Any Device, Anytime, Anywhere computing
- Cloud - Cloud "First" sourcing (IaaS / SaaS)
- Digitisation - supporting sustainable and innovative work practice, improved collaboration, functionality and flexible work
- Single view of Customer - One Customer, One record.

Following the review, an advertisement calling for Expressions of Interest (EOI) was placed in The Age newspaper on Saturday, 9 June 2018.

Submissions for the EOI closed on 18 July 2018 and ten (10) Expressions of Interest were received.

Following a detailed desktop evaluation, the Enterprise Systems Project Evaluation Panel recommended that four (4) organisations be invited to demonstrate their proposed solutions.

Post demonstration, a further evaluation was conducted, which included analysis of strategic alignment, validation of Expressions of Interest, review of User feedback and consideration by the Evaluation Panel to ascertain the solutions and organisations most appropriate to pursue further engagement.

Two (2) organisations were subsequently invited to tender on 10 December 2018 and two (2) responses were received on Wednesday 23 January 2019.

A detailed evaluation, including: functional compliance; interviewing each vendor to clarify responses; and five (5) year financial comparison was undertaken. The Evaluation Panel then met to finalise its evaluation and recommendation.

STRATEGIC LINKS

The Enterprise Systems Project has primary links to:

- Flexible Future Strategy, with the Enterprise Systems Project being one of the Agenda Projects
- Council's 2015-2018 ICT Strategy & Roadmap – Key Strategic Objectives.

And secondary links to:

- Digital Strategy 2018-2022.

CONSULTATION

In constructing the requirements for the Expression of Interest, more than 50 subject matter experts from across the organisation, who represented users of the core systems were interviewed to ascertain fundamental functional requirements and current technology issues.

In addition, attendees of the vendor demonstrations were requested to complete surveys after each separate demonstration session to collect thoughts and impressions of the demonstrating organisations and their respective solutions. Approximately 300 responses were received.

FINANCIAL IMPLICATIONS

Sufficient funds are available from a combination of the existing IT Operational budget (via savings from the retirement of the corresponding legacy systems) and the 10 year IT Capital budget program.

KEY ISSUES

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

The Evaluation Panel scored tenders against the pre-established evaluation criteria. A summary of the evaluation criteria follows:

Selection Criteria	Weighting
Price	50%
Functional and Solution Profile	25%
Implementation / Delivery Capability	25%
TOTAL Qualitative	100%

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

There are no environmental impacts directly associated with this report.

Social Impacts

There are no social impacts directly associated with this report.

Economic Impacts

There are no economic impacts directly associated with this report.

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 CT5815 Enterprise Systems Project Tender Evaluation Report (*Confidential*)

7.6 Review of Delegations Made to Council Staff

RESPONSIBLE OFFICER Director Corporate Services

SUMMARY

The current Instrument of Delegation to members of Council staff was adopted by Council on 22 January 2019.

An update has been required to incorporate administrative changes requested by both the Planning and Safer Communities departments. The proposed changes, shown by way of “track changes” in Attachment 1, ensure that appropriate members of Council staff holding, acting in or performing the duties of the positions described in the Instrument of Delegation are nominated to act as delegates.

Council is asked to adopt the updated Instrument of Delegation, as per Attachment 1.

RECOMMENDATION

1. ***In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the legislation referred to in the Instrument of Delegation included at Attachment 1, Council resolves that***
 - (a) ***The delegations made to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff be approved, subject to the conditions and limitations specified in that Instrument.***
 - (b) ***The instrument comes into force immediately the common seal of Council is affixed to the instrument.***
 - (c) ***On the coming into force of the Instrument all previous delegations to members of Council staff (other than to the Chief Executive Officer) are revoked.***
 - (d) ***The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

DISCLOSURE OF CONFLICTS OF INTEREST

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

PROPOSAL

Council is to adopt the updated Instruments of Delegation to members of Council staff, as included at Attachment 1.

BACKGROUND

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

- this power of delegation
- the power to declare a rate or charge
- the power to borrow money
- the power to approve any expenditure not contained in a budget approved by the Council
- any power, duty or function of the Council under section 223
- any prescribed power.

Council subscribes to the Maddocks Delegations and Authorisations Service. Maddocks cite the following reasons why delegations should be made carefully and reviewed regularly. In particular:

- accountability and responsibility for decisions is possible only if decision-makers are identified
- in delegating responsibility, Council can set conditions, limitations and guidelines for decision-makers, including reporting requirements
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

The current Instrument of Delegation to members of Council staff was approved by Council on 22 January 2019. This came into effect the following day when the Common Seal of the Council was affixed.

STRATEGIC LINKS

The delegation of Council powers, duties and functions is an administrative exercise and is provided for by section 98 of the Act.

CONSULTATION

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

FINANCIAL IMPLICATIONS

The cost to prepare and adopt the Instruments of Delegation is minimal and will be met from within the current approved departmental budget.

KEY ISSUES

The updated Instrument of Delegation from Council to members of Council staff is based on the previous Instrument adopted by Council on 22 January 2019 and incorporates the most recent update from Maddocks.

An update has been required outside of the usual timetable to incorporate administrative changes requested by both the Planning and Safer Communities departments. The proposed changes affect the delegations made under the following legislation:

- Domestic Animals Act 1994
- Environment Protection Act 1970
- Food Act 1984
- Planning And Environment Act 1987
- Residential Tenancies Act 1997
- Planning And Environment Regulations 2015
- Residential Tenancies (Caravan Parks And Movable Dwellings Registration And Standards) Regulations 2010.

The proposed changes ensure that appropriate members of Council staff holding, acting in or performing the duties of the positions described in the Instrument of Delegation have been nominated to act as delegates.

The updates made are shown in the Instrument included at Attachment 1 as “track-changes”.

Environmental Impacts

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

Social Impacts

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

Economic Impacts

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

Risk Assessment

The Instrument of Delegation to members of Council staff have been prepared in consultation with relevant Officers and are based on the most recent advice provided by Maddocks.

CONCLUSION

It is important to ensure that Council's Instruments of Delegation are kept up to date. This means that Council can continue to comply with its obligations and that the business of Council can be carried out efficiently and in line with both legislation and approved policies.

ATTACHMENTS

- 1 S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)



Yarra Ranges Shire Council

Instrument of Delegation

to

Members of Council Staff

January March 2019

Instrument of Delegation

In exercise of the power conferred by s 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that references in the Schedule to:

BPCO	means Building & Planning Compliance Officer
<u>BOPS</u>	<u>means Business Operations (includes: Customer Experience Business Operations Coordinator, Lead Customer Experience Officer - Business Operations, Customer Experience Officer - Business Operations & Business Operations Officer)</u>
BSO	means Business Support Officer (business unit identified in brackets where relevant)
CEO	means Chief Executive Officer
DCS	means Director Corporate Services
DEE	means Director Environment and Engineering
DSED	means Director Social & Economic Development
EHO	means Environmental Health Officer (<u>includes Safer Communities Regional Lead where appointed as an EHO under s 29 of the Public Health and Wellbeing Act 2008</u>)
EODC	means Executive Officer Development Compliance & Prosecutions
EOSC	means Executive Officer Safer Communities
EOISI	means Executive Officer Infrastructure Strategy & Investigations
EOPS	means Executive Officer Planning Services and also includes the Executive Officer Planning Services (Major Projects)
EORIG	means Executive Officer Risk, Infringements and Governance
EOSP	means Executive Officer Strategic Planning
MBS	means Municipal Building Surveyor
MDS	means Manager Development Services
MFIN	means Manager Financial Services
MIS	means Manager Infrastructure Services
MBCW	means Manager Business & Community Wellbeing
PO	means all Planning Officers (business unit identified in brackets where relevant) and includes the Subdivisions Officer and Senior Subdivisions Officer
PMSP	means Project Manager Strategic Planning
(PS)	means Planning Services Department
(SP)	means Strategic Planning Department
SCOC	means Safer Communities Operational Coordinator
SPO	means Senior Planning Officer and <u>Senior Subdivisions Officer</u> and also includes all Band 6 and Band 7 Officers (<u>includes Principal Planning Officer and Special Projects Officer</u>) in the Planning Unit
PPO	means Principal Planning Officer
EHPL <u>SCPL</u>	means <u>Safer Communities</u> Environmental Health Program Lead
TLPO	means Team Leader Planning and also includes all Band 7 Officers in the Planning Unit

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~22-26 January~~ March 2019 and

- 3.2 the delegation:

- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a policy or strategy adopted by Council; or
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The COMMON SEAL of YARRA)
 RANGES SHIRE COUNCIL was)
 hereto affixed on ~~23-27~~ / ~~034~~ / 2019)
 in the presence of ~~Mark Varmalis~~ Tammi Rose,)
~~Acting~~ Chief Executive Officer.)

.....
~~Mark Varmalis~~ Tammi Rose
~~Acting~~ Chief Executive Officer

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ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s41A(1)	Power to declare a dog to be a menacing dog	DSED, MBCW , EOSC	Council may delegate this power to a Council authorised officer

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s53M(3)	Power to require further information	EOSC, EHO, EHPL SCPL , SCOC	
s53M(4)	Duty to advise applicant that application is not to be dealt with	EOSC, EHO, EHPL SCPL , SCOC	
s53M(5)	Duty to approve plans, issue permit or refuse permit	EOSC, EHO, EHPL SCPL , SCOC	Refusal must be ratified by Council or it is of no effect
s53M(6)	Power to refuse to issue septic tank permit	EOSC, EHO, EHPL SCPL , SCOC	Refusal must be ratified by Council or it is of no effect
s53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	EOSC, EHO, EHPL SCPL , SCOC	Refusal must be ratified by Council or it is of no effect

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DSED , MBCW , EOSC, EHO, EHPL SCPL , SCOC	If s 19(1) applies
s19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DSED , MBCW , EOSC, EHO, EHPL SCPL , SCOC	If s 19(1) applies
s19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DSED , MBCW , EOSC, EHO, EHPL SCPL , SCOC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises

ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	If s 19(1) applies
s19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	If s 19(1) applies
s19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	If s 19(1) applies
s19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	Where Council is the registration authority
s19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	Where Council is the registration authority
s19CB(4)(b)	Power to request copy of records	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	Where Council is the registration authority
s19E(1)(d)	Power to request a copy of the food safety program	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	Where Council is the registration authority
s19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	Where Council is the registration authority
s19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	Where Council is the registration authority
s19NA(1)	Power to request food safety audit reports	DSED , MBCW , EOSC , EHO , EHPLSCPL , SCOC	Where Council is the registration authority
s19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	DSED , MBCW , EOSC , EHPLSCPL , SCOC	
s19UA	Power to charge fees for conducting a food safety assessment or inspection	DSED , MBCW , EOSC , EHPLSCPL , SCOC	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.

Instrument of Delegation – Council to Members of Staff

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ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
---	Power to register, renew or transfer registration	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	DSED , MBCW, EOSC, EHPLSCPL , SCOC	Where Council is the registration authority
s38A(4)	Power to request a copy of a completed food safety program template	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority

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ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s38D(3)	Power to request copies of any audit reports	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s38E(2)	Power to register the food premises on a conditional basis	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority; Not exceeding the prescribed time limit defined under s 38E(5).
s38E(4)	Duty to register the food premises when conditions are satisfied	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s39A	Power to register, renew or transfer food premises despite minor defects	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	
s40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s40D(1)	Power to suspend or revoke the registration of food premises	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority
s46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DSED , MBCW, EOSC, EHO, EHPLSCPL , SCOC	Where Council is the registration authority

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HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s116	Power to sub-delegate Executive Director's functions, duties or powers	DSED	Must first obtain Executive Director's written consent. Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s4B	Power to prepare an amendment to the Victoria Planning Provisions	Not delegated	If authorised by the Minister
s4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	MDS, EOSP, PMSP, PO(SP), BSO(SP)	
s4H	Duty to make amendment to Victoria Planning Provisions available	MDS, EOSP, PMSP, PO(SP), BSO(SP)	
s4I	Duty to keep Victoria Planning Provisions and other documents available	MDS, EOSP, PMSP, PO(SP), BSO(SP)	
s8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MDS, EOSP, PMSP, PO(SP)	
s8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MDS, EOSP, PMSP, PO(SP)	

ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s8A(5)	Function of receiving notice of the Minister's decision	MDS, EOSP, PMSP, SPO(SP), PO(SP)	
s8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	MDS, EOSP, PMSP, SPO(SP), PO(SP)	
s8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MDS, EOSP, PMSP, SPO(SP), PO(SP)	
s12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DSED, MDS, EOPS, EOSP, PMSP	
s12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DSED, MDS	
s12B(1)	Duty to review planning scheme	DSED, MDS	
s12B(2)	Duty to review planning scheme at direction of Minister	DSED, MDS	
s12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DSED, MDS	
s14	Duties of a Responsible Authority as set out in s 14(a) to (d)	DSED, MDS, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPQ , PO	Must be acted upon in accordance with the officer's position description, as directed by his/her manager or supervisor, and as provided elsewhere in this schedule of delegations
s17(1)	Duty of giving copy amendment to the planning scheme	MDS, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)	
s17(2)	Duty of giving copy s 173 agreement	MDS, EOPS, EODC, BPCO, EOSP, PMSP, SPO, TLPO, PPQ , PO	
s17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MDS, EOSP, PMSP, SPO(SP), PO(SP)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s18	Duty to make amendment etc. Available	MDS, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)	
s19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DSED, MDS, EOSP, PMSP, SPO(SP), PO(SP)	A decision to not give notice must only be made by the MDS, EOSP or PMSP
s19	Function of receiving notice of preparation of an amendment to a planning scheme	MDS, EOSP, PMSP, SPO(SP), PO(SP)	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s20(1)	Power to apply to Minister for exemption from the requirements of s 19	DSED, MDS, EOSP, PMSP	Must only be exercised where Council has previously indicated its intention to seek an exemption or where urgent action is required. In the case of the latter, the action must be ratified by Council
s21(2)	Duty to make submissions available	MDS, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)	
s21A(4)	Duty to publish notice	MDS, EOSP, PMSP, BSO(SP)	
s22	Duty to consider all submissions	MDS, EOSP, PMSP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	MDS, EOSP, PMSP	
s23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DSED, MDS	A submission must only be referred to a panel without prior consideration by Council where it is either not practicable to do so before a panel hearing commences or where directed by the panel. All submissions must be reported to Council when Council considers whether or not to adopt or not adopt the amendment.
s24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO, PO	The DSED or MDS may appoint a consultant or legal representative to represent Council at a panel hearing.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s26(1)	Power to make report available for inspection	DSED, MDS	
s26(2)	Duty to keep report of panel available for inspection	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO(SP)	
s27(2)	Power to apply for exemption if panel's report not received	DSED, MDS	Must only be exercised where Council has previously indicated its intention to seek an exemption or where a situation exists that requires urgent action to be taken prior to reporting to Council.
s28	Duty to notify the Minister if abandoning an amendment	DSED, MDS, EOSP, PMSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s30(4)(a)	Duty to say if amendment has lapsed	MDS, EOSP, PMSP, SPO(SP), PO(SP)	
s30(4)(b)	Duty to provide information in writing upon request	DSED, MDS, EOSP, PMSP, SPO(SP), PO(SP)	
s32(2)	Duty to give more notice if required	MDS, EOSP, PMSP, SPO(SP), PO(SP)	
s33(1)	Duty to give more notice of changes to an amendment	MDS, EOSP, PMSP, SPO(SP), PO(SP)	
s36(2)	Duty to give notice of approval of amendment	MDS, EOSP, PMSP	
s38(5)	Duty to give notice of revocation of an amendment	MDS, EOSP, PMSP	
s39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DSED, MDS, EOPS, EOSP, PMSP	The DSED or MDS may appoint a consultant or legal representative to represent Council at a proceeding
s40(1)	Function of lodging copy of approved amendment	MDS, EOSP, PMSP	
s41	Duty to make approved amendment available	MDS, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)	
s42	Duty to make copy of planning scheme available	MDS, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	MDS, EOSP, PMSP, SPO(SP), PO(SP)	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation.
s46AW	Function of being consulted by the Minister	DSED, MDS	Where Council is a responsible public entity
s46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DSED, MDS	Where Council is a responsible public entity
s46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DSED, MDS, EOSP, PMSP	Where Council is a responsible public entity
s46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DSED, MDS, EOSP, PMSP	Where Council is a responsible public entity
s46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DSED, MDS, EOSP, PMSP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DSED, MDS	
s46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DSED, MDS	
s46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MDS, EOPS, EOSP, PMSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GO(1)	Duty to give notice to owners of certain inner public purpose land	MDS, EOPS, EOSP, PMSP, SPO(SP), PO(SP)	
s46GP	Function of receiving a notice under s.46GO	MDS, EOPS, EOSP, PMSP, SPO(SP), PO(SP)	Where Council is the collecting agency
s46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	MDS, EOPS, EOSP, PMSP, SPO(SP), PO(SP)	
s46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	MDS, EOPS, EOSP, PMSP, SPO(SP), PO(SP)	
s46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the minister	MDS, EOPS, EOSP, PMSP, SPO(SP), PO(SP)	
s46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ	DSED, MDS, EOPS, EOSP, PMSP	
s46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DSED, MDS, EOPS, EOSP, PMSP	
s46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DSED, MDS, EOPS, EOSP, PMSP	
s46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DSED, MDS, EOPS, EOSP, PMSP	
s46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DSED, MDS, EOPS, EOSP, PMSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DSED, MDS, EOPS,EOSP, PMSP	
s46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GV(3)(b)	Power to enter into an agreement with the applicant	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the development agency
s46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DSED, MDS, EOPS,EOSP, PMSP	
s46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DSED, MDS, EOSP, PMSP	Where Council is the collecting agency
s46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GY(1)	duty to keep proper and separate accounts and records	DSED, MDS, EOPS, EOSP, PMSP, MFIN	where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s46GZ(2)(a)	Function of receiving the monetary component	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those, works, services or facilities	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s46GZ(2)(b)	Function of receiving the monetary component	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DSED, MDS, EOPS, EOSP, PMSP, MFIN	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s46GZ(9)	Function of receiving the fee simple in the land	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s46GZA(1)	Duty to keep proper and separate accounts and records	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is a development agency under an approved infrastructure contributions plan
s46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DSED, MDS, EOPS, EOSP, PMSP, MFIN	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s46GZE(2)	Function of receiving the unexpended land equalisation amount	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan
s46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan
s46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency

ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DSED, MDS, EOSP, PMSP	Where Council is a collecting agency or development agency
s46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DSED, MDS, EOPS, EOSP, PMSP, MFIN	Where Council is a collecting agency or development agency
s46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DSED, MDS, EOPS, EOSP, PMSP, MFIN	
s46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DSED, MDS, EOPS, SPO, TLPO, PPO , PO	
s46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DSED, MDS	
s46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DSED, MDS	
s46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	MBS, EODC	
s46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DSED, MDS	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DSED, MDS	
s46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DSED, MDS	
s46Q(1)	Duty to keep proper accounts of levies paid	MFIN	
s46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	DSED, MDS	
s46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	Not delegated	
s46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	Not delegated	Only applies when levy is paid to Council as a 'development agency'
s46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	Not delegated	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	Not delegated	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	Not delegated	With the consent of, and in the manner approved by, the Minister
s46QC	Power to recover any amount of levy payable under Part 3B	Not delegated	
s46QD	Duty to prepare report and give a report to the Minister	Not delegated	Where Council is a collecting agency or development agency

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not delegated	
s46Y	Duty to carry out works in conformity with the approved strategy plan	Not delegated	
s47	Power to decide that an application for a planning permit does not comply with that Act	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	MDS, EOPS, PO(PS), BSO(PS)	
s49(2)	Duty to make register available for inspection	MDS, EOPS, SPO, TLPO, PPO , PO, BSO(PS)	
s50(4)	Duty to amend application	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s50(5)	Power to refuse to amend application	MDS, EOPS, EOSP, PMSP	
s50(6)	Duty to make note of amendment to application in register	MDS, EOPS, EOSP, PMSP, PO, SPO, TLPO, PPO , BSO	
s50A(1)	Power to make amendment to application	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s50A(4)	Duty to note amendment to application in register	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s51	Duty to make copy of application available for inspection	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	MDS, EOPS, EOSP, PMSP, TLPO, SPO, TLPO, PPO , PO	In case of a decision not to give notice of an application, this delegation must only be exercised by the MDS, EOPS, EOSP, PMSP or , TLPO or PPO

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s52(1)(b)	Duty to give notice of the application to other municipal Councils where appropriate	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s52(3)	Power to give any further notice of an application where appropriate	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s53(1A)	power to require the applicant to give the notice under s 52(1AA)	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s54(1)	Power to require the applicant to provide more information	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s54(1A)	duty to give notice in writing of information required under s 54(1)	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s54(1B)	Duty to specify the lapse date for an application	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s54A(3)	Power to decide to extend time or refuse to extend time to give required information	MDS, EOPS, EOSP, PMSP, TLPO, PO, SPO, PPO	<p>A decision to extend time in response to a first request pursuant to s 54A(1) may be exercised by all delegated officers.</p> <p>A decision to extend time in response to a second request pursuant to s 54A(1) must only be exercised by the MDS, EOPS, EOSP, PMSP, SPO, PPO or TLPO.</p> <p>A decision to extend time in response to any other subsequent request pursuant to s 54A(1) must only be exercised by the MDS, EOPS, EOSP, PMSP, PPO or TLPO.</p> <p>A decision to refuse to extend time in response to any request pursuant to s 54A(1) must only be exercised by the MDS, EOPS, EOSP or PMSP.</p>
s54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	MDS, EOPS, EOSP, PMSP	
s57(3)	Function of receiving name and address of persons to whom notice of decision is to go	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s57(5)	Duty to make available for inspection copy of all objections	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s57A(5)	Power to refuse to amend application	MDS, EOPS, EOSP, PMSP	
s57A(6)	Duty to note amendments to application in register	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s57B(1)	Duty to determine whether and to whom notice should be given	MDS, EOPS, EOSP, PMSP, TLPO, SPO, PPO , PO	A decision to not give notice must only be exercised by the MDS, EOPS, EOSP, PMSP; or TLPO or PPO .
s57B(2)	Duty to consider certain matters in determining whether notice should be given	MDS, EOPS, EOSP, PMSP, TLPO, SPO, PPO , PO	A decision to not give notice must only be exercised by the MDS, EOPS, EOSP, PMSP; or TLPO or PPO .
s57C(1)	Duty to give copy of amended application to referral authority	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s58	Duty to consider every application for a permit	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s58A	Power to request advice from the Planning Application Committee	DSED, MDS	
s60	Duty to consider certain matters	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s60(1A)	Duty to consider certain matters	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>A decision to refuse to issue a permit must only be exercised by MDS, EOPS, EOSP or PMSP</p> <p>Must not be exercised for approval if any of the following conditions* apply:</p> <p>A – Objections</p> <p>B – Major development</p> <p>C – Call in by relevant ward councillor</p> <p>Must not be exercised for refusal if any of the following conditions* apply:</p> <p>A – Objections</p> <p>B – Major development</p> <p>C – Call in by relevant ward councillor</p> <p>* The above conditions do not apply in circumstances described in the following conditions</p> <p>D – Call out by relevant ward councillor</p> <p>E – Summer recess and emergency delegations</p> <p>Decision must be dual signed by PO and Delegate.</p>
s61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DSED, MDS, EOPS, EOSP, PMSP	
s61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DSED, MDS, EOPS, EOSP, PMSP	Must only be exercised in a manner consistent with the delegations applicable to s 61 decisions.
s61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	-	Not applicable – no coastal land in the Municipality
s61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DSED, MDS, EOPS, EOSP, PMSP	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DSED, MDS, EOPS, EOSP, PMSP	
s62(1)	Duty to include certain conditions in deciding to grant a permit	DSED, MDS, EOPS, EOSP, PMSP	
s62(2)	Power to include other conditions	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s64(3)	Duty not to issue a permit until after the specified period	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	This provision applies also to a decision to grant an amendment to a permit - see s 75

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s64(5)	Duty to give each objector a copy of an exempt decision	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s69(1)	Function of receiving application for extension of time of permit	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s69(1A)	Function of receiving application for extension of time to complete development	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s69(2)	Power to extend time	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ	<p>Must not be exercised if any of the following conditions apply:</p> <p>C - Call in by relevant ward Councillor</p> <p>A decision to extend the time of a permit under a 3rd request must only be exercised by the MDS, EOPS, EOSP, PMSP, <u>or</u> TLPO or PPQ.</p> <p>A decision to extend the time of a permit under a 4th or subsequent request must only be exercised by the MDS, EOPS, EOSP or PMSP.</p> <p>Power to refuse to extend time must only be exercised by the DSED, MDS, EOPS, EOSP or PMSP</p>
s70	Duty to make copy permit available for inspection	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO, BSO	
s71(1)	Power to correct certain mistakes	DSED, MDS, EOPS, EOSP, PMSP, TLPO, PPQ	A mistake made by an individual officer must only be corrected by a different officer.
s71(2)	Duty to note corrections in register	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO, BSO	
s73	Power to decide to grant amendment subject to conditions	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Must not be exercised if any of the following conditions apply:</p> <p>A - Objections</p> <p>C - Call in by relevant ward Councillor</p> <p>The above conditions do not apply in circumstances described in the following conditions:</p> <p>D - Call out by relevant ward Councillor</p> <p>E - Summer recess and emergency delegations.</p> <p>Decision must be dual signed by PO & Delegate.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s74	Duty to issue amended permit to applicant if no objectors	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s76D	Duty to comply with direction of Minister to issue amended permit	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s83	Function of being respondent to an appeal	DSED, MDS, EOPS, EOSP, PMSP, TLPO, SPO, TLPO, PPO , PO	The DSED, MDS, EOPS, EOSP, PMSP; <u>or</u> TLPO or PPO may appoint a consultant or legal representative to represent Council at a proceeding
s83B	Duty to give or publish notice of application for review	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DSED, MDS, EOPS, EOSP, PMSP, TLPO, PPO	Must only be exercised in a manner consistent with the delegations applicable to Section 61 decisions.

ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PO , PPO , BSO	
s84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s84(6)	Duty to issue permit on receipt of advice within 3 working days	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s84AB	Power to agree to confining a review by the Tribunal	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO	
s86	Duty to issue a permit at order of Tribunal within 3 working days	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DSED	Must only be exercised where Council has previously indicated its intention to apply for cancellation or amendment, or where an extraordinary situation exists that requires action to be taken prior to reporting the matter to Council.
s90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DSED, MDS, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO , PO	The DSED or MDS may appoint a consultant or legal representative to represent Council at a proceeding.
s91(2)	Duty to comply with the directions of VCAT	DSED, MDS, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO , PO, BSO	
s91(2A)	Duty to issue amended permit to owner if Tribunal so directs	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	MDS, EOPS, EOSP, PMSP, EODC, SPO, TLPO, PPO , PO, BSO	
s93(2)	Duty to give notice of VCAT order to stop development	MDS, EOPS, EOSP, PMSP, EODC, SPO, TLPO, PPO , PO, BSO	
s95(3)	Function of referring certain applications to the Minister	DSED, MDS, EOPS, EOSP, PMSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s95(4)	Duty to comply with an order or direction	DSED, MDS, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO , PO, BSO	
s96(1)	Duty to obtain a permit from the Minister to use and develop its land	MDS, EOPS, EOSP, PMSP, EODC, SPO, TLPO, PPO , PO	
s96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DSED, MDS	Must only be exercised where the use, works or development has been approved by Council and where the written agreement of the manager responsible for the management of the land is given.
s96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DSED, MDS, EOSP, PMSP	
s96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DSED, MDS, EOPS, EOSP, PMSP	
s96F	Duty to consider the panel's report under s 96E	Not delegated	
s96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	Not delegated	
s96H(3)	Power to give notice in compliance with Minister's direction	MDS, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO , PO, BSO	
s96J	Power to issue permit as directed by the Minister	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s96K	Duty to comply with direction of the Minister to give notice of refusal	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s96Z	Duty to keep levy certificates given to it under ss 47 or 96a for no less than 5 years from receipt of the certificate	MDS	

ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s97C	Power to request Minister to decide the application	DSED	
s97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	MDS, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO , PO, BSO	
s97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	MDS, EOPS, EOSP, PMSP, BPCO, EODC, SPO, TLPO, PPO , PO, BSO	
s97L	Duty to include Ministerial decisions in a register kept under s 49	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s97MH	Duty to provide information or assistance to the Planning Application Committee	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DSED, MDS, EOPS, EOSP, PMSP	
s97O	Duty to consider application and issue or refuse to issue certificate of compliance	DSED, MDS, EOPS, EODC, BPCO, SPO, TLPO, PPO	<p>A decision to refuse to issue a certificate of compliance must only be exercised by DSED, MDS, EOPS, EOSP or PMSP</p> <p>Must not be exercised if any of the following conditions apply:</p> <p>C - Call in by relevant ward Councillor</p> <p>D - Call out by relevant ward Councillor</p>
s97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MDS, EOPS, EODC, BPCO, SPO, TLPO, PPO , BSO	
s97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MDS, EOPS, EODC, BPCO, SPO, TLPO, PPO , PO	The DSED or MDS may appoint a consultant or legal representative to represent Council at a proceeding.
s97Q(4)	Duty to comply with directions of VCAT	MDS, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO , PO, BSO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s97R	Duty to keep register of all applications for certificate of compliance and related decisions	MDS, EOPS, EOSP, PMSP, EODC, BPCO, SPO, TLPO, PPO , PO, BSO	
s98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DSED, MDS	
s98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DSED, MDS, EOSP, PMSP, PO(SP)	
s101	Function of receiving claim for expenses in conjunction with claim	DSED, MDS	
s103	Power to reject a claim for compensation in certain circumstances	DSED	
s107(1)	Function of receiving claim for compensation	DSED, MDS, EOSP, PMSP	
s107(3)	Power to agree to extend time for making claim	DSED	
s114(1)	Power to apply to the VCAT for an enforcement order	DSED, EODC	
s117(1)(a)	Function of making a submission to the VCAT where objections are received	EODC, BPCO	The EODC may appoint a consultant or legal representative to represent Council at a proceeding.
s120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DSED, EODC	
s123(1)	Power to carry out work required by enforcement order and recover costs	DEE, DSED, EODC	
s123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DEE, DSED	Except Crown Land
s129	Function of recovering penalties	EODC, BPCO	
s130(5)	Power to allow person served with an infringement notice further time	MDS, EOPS, EODC	
s149A(1)	Power to refer a matter to the VCAT for determination	DSED, MDS, EOPS, EODC	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	DSED, MDS, EODC	
s156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DSED, MDS, EOSP, PMSP	Where Council is the relevant planning authority
s171(2)(f)	Power to carry out studies and commission reports	DSED, MDS, EOPS, EOSP, PMSP	
s171(2)(g)	Power to grant and reserve easements	DSED, MDS, EOPS	
s172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DSED, MDS, EOPS, EOSP, PMSP	Where Council is a development agency specified in an approved infrastructure contributions plan
s172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DSED, MDS, EOPS, EOSP, PMSP	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DSED, MDS, EOPS, EOSP, PMSP	Where Council is the development agency specified in an approved infrastructure contributions plan
s173(1)	Power to enter into agreement covering matters set out in s 174	DSED, MDS, EOPS	May only be exercised 1. where a planning scheme planning permit condition or Council resolution requires the agreement to be entered into. 2. where agreement is required to be entered into under the State Government Bushfire Buy-back Scheme

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DSED, MDS, EOPS	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	DSED, MDS, EOPS and EOSP, PMSP	
s177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DSED, MDS, EOPS	
s178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with division 2 of part 9	DSED, MDS, EOPS	
s178A(1)	Function of receiving application to amend or end an agreement	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s178A(5)	Power to propose to amend or end an agreement	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO	
s178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s178C(4)	Function of determining how to give notice under s 178C(2)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s178E(1)	Duty not to make decision until after 14 days after notice has been given	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DSED, MDS, EOPS	If no objections are made under s 178D Must consider matters in s 178B Must not be exercised if any of the following conditions apply: C - Call in by relevant ward Councillor
s178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DSED, MDS, EOPS	If no objections are made under s 178D Must consider matters in s 178B Must not be exercised if any of the following conditions apply: C - Call in by relevant ward Councillor
s178E(2)(c)	Power to refuse to amend or end the agreement	DSED, MDS, EOPS	If no objections are made under s 178D Must consider matters in s 178B Must not be exercised if any of the following conditions apply: C - Call in by relevant ward Councillor
s178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DSED, MDS, EOPS	After considering objections, submissions and matters in s 178B Must not be exercised if any of the following conditions apply: A - Objections C - Call in by relevant ward Councillor

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DSED, MDS, EOPS	After considering objections, submissions and matters in s 178B Must not be exercised if any of the following conditions apply: A - Objections C - Call in by relevant ward Councillor
s178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DSED, MDS, EOPS	After considering objections, submissions and matters in s 178B Must not be exercised if any of the following conditions apply: A - Objections C - Call in by relevant ward Councillor
s178E(3)(d)	Power to refuse to amend or end the agreement	DSED, MDS, EOPS	After considering objections, submissions and matters in s 178B Must not be exercised if any of the following conditions apply: A - Objections C - Call in by relevant ward Councillor
s178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s178G	Duty to sign amended agreement and give copy to each other party to the agreement	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DSED, MDS, EOPS, EOSP, PMSP, TLPO, PPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s179(2)	Duty to make available for inspection copy agreement	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	The DSED or MDS may appoint a consultant or legal representative to act on behalf of Council.
s181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DSED, MDS, EOPS, EOSP, PMSP	The DSED or MDS may appoint a consultant or legal representative to act on behalf of Council.
s181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	The DSED or MDS may appoint a consultant or legal representative to act on behalf of Council.
s182	Power to enforce an agreement	DSED, MDS, EODC, EOPS, EOSP, PMSP	
s183	Duty to tell Registrar of Titles of ending/amendment of agreement	DSED, MDS, EODC, PO, EOPS, EOSP, PMSP, BSO	The DSED or MDS may appoint a consultant or legal representative to act on behalf of Council.
s184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DSED, MDS	
s184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO	
s184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s184G(2)	Duty to comply with a direction of the Tribunal	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	

Instrument of Delegation – Council to Members of Staff

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ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s184G(3)	Duty to give notice as directed by the Tribunal	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO	
s198(1)	Function to receive application for planning certificate	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO, BSO	
s199(1)	Duty to give planning certificate to applicant	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO, BSO	
s201(1)	Function of receiving application for declaration of underlying zoning	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO, BSO	
s201(3)	Duty to make declaration	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO	
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DSED, MDS, EOPS, EOSP, PMSP, SPO, EODC, TLPO, PPQ	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ	<p>The decision must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Must not be exercised if any of the following conditions apply:</p> <p>C - Call in by relevant ward Councillor</p> <p>The above conditions do not apply in circumstances described in the following conditions:</p> <p>D - Call out by relevant ward Councillor</p> <p>E - Summer recess and emergency delegations.</p>
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DSED, MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO	
-	Power to give written authorisation in accordance with a provision of a planning scheme	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPQ , PO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
s201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s33	Duty to comply with a direction of the Safety Director under s 33	MIS	Where Council is a utility under s 3
s33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	MIS	Duty of Council as a road authority under the <i>Road Management Act</i> 2004
s34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	MIS	Where Council is a utility under s 3
s34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	DEE	Where Council is the relevant road authority
s34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	MIS	Where Council is the relevant road authority
s34D(2)	Function of receiving written notice of opinion	MIS	Where Council is the relevant road authority
s34D(4)	Function of entering into safety interface agreement with infrastructure manager	DEE	Where Council is the relevant road authority
s34E(1)(a)	Duty to identify and assess risks to safety	MIS	Where Council is the relevant road authority
s34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in s 34E(2)(a)-(c)	MIS	Where Council is the relevant road authority

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	DEE	Where Council is the relevant road authority
s34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	MIS	Where Council is the relevant road authority
s34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s 34D(2)(a)	MIS	Where Council is the relevant road authority
s34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	MIS	Where Council is the relevant road authority
s34H	Power to identify and assess risks to safety as required under ss 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	MIS	Where Council is the relevant road authority
s34I	Function of entering into safety interface agreements	DEE	Where Council is the relevant road authority
s34J(2)	Function of receiving notice from Safety Director	DEE	Where Council is the relevant road authority
s34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	MIS	Where Council is the relevant road authority
s34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	MIS	Where Council is the relevant road authority

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s142D	Function of receiving notice regarding an unregistered rooming house	EOSC, EHO, EHPL SCPL, SCOC	
s142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EOSC, EHPL SCPL, SCOC, EHO	
s142G(2)	Power to enter certain information in the Rooming House Register	EOSC, EHPL SCPL, SCOC, EHO	

ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - March 2019 (track-changed)

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s142(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EOSC, EHPL SCPL, SCOC, EHO	
s252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	Not delegated	Where Council is the landlord
s262(1)	Power to give tenant a notice to vacate rented premises	Not delegated	Where Council is the landlord
s262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	Not delegated	
s518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DSED, MBCW, EOSC, EHO, EHPL SCPL, SCOC	
s522(1)	Power to give a compliance notice to a person	DSED, MBCW, EOSC, EHO, EHPL SCPL, SCOC	
s525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	DSED, MBCW, EOSC, EHO, EHPL SCPL, SCOC	
s525(4)	Duty to issue identity card to authorised officers	DSED, MBCW, EOSC, EHO, EHPL SCPL, SCOC	
s526(5)	Duty to keep record of entry by authorised officer under s 526	DSED, MBCW, EOSC, EHO, EHPL SCPL, SCOC	
s526A(3)	Function of receiving report of inspection	DSED, MBCW, EOSC, EHO, EHPL SCPL, SCOC	
s527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DSED, MBCW, EOSC, EHO, EHPL SCPL, SCOC	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s11(1)	Power to declare a road by publishing a notice in the Government Gazette	DEE, DCS	Obtain consent in circumstances specified in s 11(2)
s11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	EORIG, MIS	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s11(9)(b)	Duty to advise Registrar	EORIG, MIS	
s11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	EORIG, MIS	Subject to s 11(10A)
s11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MIS, EOISI	Where Council is the coordinating road authority
s12(2)	Power to discontinue road or part of a road	MIS, EOISI	Where Council is the coordinating road authority Delegation relates to publishing notice in Government Gazette; power of coordinating road authority to discontinue road is not delegated.
s12(4)	Power to publish, and provide copy, notice of proposed discontinuance	MIS, EOISI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s12(5)	Duty to consider written submissions received within 28 days of notice	Not delegated	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s12(6)	Function of hearing a person in support of their written submission	Not delegated	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	MIS, EOISI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s12(10)	Duty to notify of decision made	MIS, EOISI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the minister
s13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	MIS	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s14(4)	Function of receiving notice from vicroads	DEE	
s14(7)	Power to appeal against decision of vicroads	DEE, MIS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DEE	
s15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DEE, MIS	
s15(2)	Duty to include details of arrangement in public roads register	MIS	
s16(7)	Power to enter into an arrangement under s 15	DEE	
s16(8)	Duty to enter details of determination in public roads register	MIS	
s17(2)	Duty to register public road in public roads register	MIS	Where Council is the coordinating road authority
s17(3)	Power to decide that a road is reasonably required for general public use	MIS	Where Council is the coordinating road authority
s17(3)	Duty to register a road reasonably required for general public use in public roads register	MIS	Where Council is the coordinating road authority
s17(4)	Power to decide that a road is no longer reasonably required for general public use	MIS	Where Council is the coordinating road authority
s17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	MIS	Where Council is the coordinating road authority
s18(1)	Power to designate ancillary area	MIS	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s18(3)	Duty to record designation in public roads register	MIS	Where Council is the coordinating road authority
s19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	MIS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s19(4)	Duty to specify details of discontinuance in public roads register	MIS	
s19(5)	Duty to ensure public roads register is available for public inspection	MIS	
s21	Function of replying to request for information or advice	MIS	Obtain consent in circumstances specified in s 11(2)
s22(2)	Function of commenting on proposed direction	DEE	
s22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DEE	
s22(5)	Duty to give effect to a direction under this section.	DEE	
s40(1)	Duty to inspect, maintain and repair a public road.	DEE	
s40(5)	Power to inspect, maintain and repair a road which is not a public road	DEE	
s41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DEE	
s42(1)	Power to declare a public road as a controlled access road	DEE	Power of coordinating road authority and sch 2 also applies
s42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DEE, MIS	Power of coordinating road authority and sch 2 also applies
s42A(3)	Duty to consult with vicroads before road is specified	DEE, MIS	Where Council is the coordinating road authority If road is a municipal road or part thereof
s42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DEE	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	MIS	Where Council is the responsible road authority, infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	MIS	
s49	Power to develop and publish a road management plan	MIS	
s51	Power to determine standards by incorporating the standards in a road management plan	MIS	
s53(2)	Power to cause notice to be published in Government Gazette of amendment etc. Of document in road management plan	MIS	
s54(2)	Duty to give notice of proposal to make a road management plan	MIS	
s54(5)	Duty to conduct a review of road management plan at prescribed intervals	MIS	
s54(6)	Power to amend road management plan	MIS	
s54(7)	Duty to incorporate the amendments into the road management plan	MIS	
s55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MIS	
s63(1)	Power to consent to conduct of works on road	MIS	Where Council is the coordinating road authority
s63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MIS	Where Council is the infrastructure manager
s64(1)	Duty to comply with cl 13 of sch 7	MIS	Where Council is the infrastructure manager or works manager
s66(1)	Power to consent to structure etc	MIS	Where Council is the coordinating road authority
s67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MIS	Where Council is the coordinating road authority
s67(3)	Power to request information	MIS	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s68(2)	Power to request information	MIS	Where Council is the coordinating road authority
s71(3)	Power to appoint an authorised officer	DEE	
s72	Duty to issue an identity card to each authorised officer	DEE, MIS	
s85	Function of receiving report from authorised officer	MIS	
s86	Duty to keep register re s 85 matters	MIS	
s87(1)	Function of receiving complaints	MIS	
s87(2)	Duty to investigate complaint and provide report	MIS	
s112(2)	Power to recover damages in court	DEE	
s116	Power to cause or carry out inspection	MIS	
s119(2)	Function of consulting with VicRoads	DEE, MIS	
s120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	MIS	
s120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s 120(1)	MIS	
s121(1)	Power to enter into an agreement in respect of works	MIS	
s122(1)	Power to charge and recover fees	MIS	
s123(1)	Power to charge for any service	DEE, MIS	
Schedule 2 Clause 2(1)	Power to make a decision in respect of controlled access roads	DEE	
Schedule 2 Clause 3(1)	Duty to make policy about controlled access roads	DEE	
Schedule 2 Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MIS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 4	Function of receiving details of proposal from vicroads	MIS	
Schedule 2 Clause 5	Duty to publish notice of declaration	MIS	
Schedule 7, Clause 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	MIS	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	MIS	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	MIS	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	MIS	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	MIS	Where Council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MIS	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(5)	Power to recover costs	MIS	Where Council is the coordinating road authority
Schedule 7, Clause 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7, cl 13(2)	MIS	Where Council is the works manager
Schedule 7 Clause 13(2)	Power to vary notice period	MIS	Where Council is the coordinating road authority
Schedule 7, Clause 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7, cl 13(1)	MIS	Where Council is the infrastructure manager
Schedule 7 Clause 16(1)	Power to consent to proposed works	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 16(4)	Duty to consult	MIS	Where Council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	Power to consent to proposed works	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 16(6)	Power to set reasonable conditions on consent	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 16(8)	Power to include consents and conditions	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 18(1)	Power to enter into an agreement	DEE, MIS	Where Council is the coordinating road authority
Schedule 7 Clause 19(1)	Power to give notice requiring rectification of works	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	MIS	Where Council is the coordinating road authority
Schedule 7A Clause 2	Power to cause street lights to be installed on roads	MIS	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MIS	Where Council is the responsible road authority
Schedule 7A Clause 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	MIS	Where Council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	MIS	Duty of Council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	MDS, EOPS, EOSP, PMSP, SPO, TLPO, PPO , PO, BSO	
r25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	MDS, EOSP, PMSP	Where Council is the responsible authority
r25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	MDS, EOSP, PMSP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation	MDS, EOSP, PMSP	Where Council is not the planning authority and the amendment affects land within Council's

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PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
	of a combined application for an amendment to a planning scheme and notice of a permit application		municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DSED, MDS, EOSP, PMSP	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DSED, MDS, EOPS	
r21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	DSED, MDS, EOPS, EOSP, PMSP	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r7	Function of entering into a written agreement with a caravan park owner	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r11	Function of receiving application for registration	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC, BOPS	
r13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r13(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r13(4) & (5)	Duty to issue certificate of registration	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r15(1)	Function of receiving notice of transfer of ownership	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r15(3)	Power to determine where notice of transfer is displayed	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r16(1)	Duty to transfer registration to new caravan park owner	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r16(2)	Duty to issue a certificate of transfer of registration	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r18	Duty to keep register of caravan parks	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r19(4)	Power to determine where the emergency contact person's details are displayed	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r19(6)	Power to determine where certain information is displayed	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r22A(2)	Duty to consult with relevant emergency services agencies	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r23	Power to determine places in which caravan park owner must display a copy of emergency procedures	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r24	Power to determine places in which caravan park owner must display copy of public emergency warnings	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r25(3)	Duty to consult with relevant floodplain management authority	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r26	Duty to have regard to any report of the relevant fire authority	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	

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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	movable dwelling		
r39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r40(4)	Function of receiving installation certificate	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
r42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	
Schedule 3 clause 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	DSED , MBCW, EOSC, EHO, EHPL SCPL , SCOC	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r8(1)	Duty to conduct reviews of road management plan	MIS	
r9(2)	Duty to produce written report of review of road management plan and make report available	MIS	
r9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	MIS	Where Council is the coordinating road authority
r10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	MIS	
r13(1)	Duty to publish notice of amendments to road management plan	MIS	Where Council is the coordinating road authority
r13(3)	Duty to record on road management plan the substance and date of effect of amendment	MIS	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r16(3)	Power to issue permit	MIS	Where Council is the coordinating road authority
r18(1)	Power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	MIS	Where Council is the coordinating road authority
r23(2)	Power to make submission to Tribunal	DEE	Where Council is the coordinating road authority
r23(4)	Power to charge a fee for application under s 66(1) Road Management Act	MIS	Where Council is the coordinating road authority
r25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	MIS	Where Council is the responsible road authority
r25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with r 25(3))	MIS	Where Council is the responsible road authority
r25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	MIS	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r15	Power to exempt a person from requirement under cl 13(1) of sch 7 to the Act to give notice as to the completion of those works	MIS	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r22(2)	Power to waive whole or part of fee in certain circumstances	MIS	Where Council is the coordinating road authority

PLANNING AND ENVIRONMENT ACT 1987**Conditions that apply to specific delegations in Schedule****Interpretation of conditions A to E**

For the purposes of these conditions:

- use and development definitions are as defined in the Yarra Ranges Planning Scheme;
- 'application' means a planning permit application, planning permit amendment application, or secondary consent application;
- 'objection' means a submission or petition objecting to the approval of an application. Each signature on a petition is counted as an objection;
- 'relevant Ward Councillor' means the Councillor representing the ward in which all or part of the subject land is located;
- 'Mayor' includes the Deputy Mayor if the Mayor is the relevant Ward Councillor or absent on official leave;

A - Objections

The application has received more than 10 objections.

B - Major development

The application is to develop land where the estimated value of development is greater than three million dollars.

C - Call in by relevant Ward Councillor

Applies to any application or other matter (where the conditions or limitations specified in the instrument provide a call in provision), nominated by the relevant Ward Councillor by written notice.

The notice must include a statement of reasons for the call-in. The notice must be signed by the relevant Ward Councillor, seconded by at least one other Councillor and submitted to the Manager Development Services before a decision is made under delegated authority. The Mayor shall also have authority to call in any application for any Ward by written notice with the signature of a second Councillor. The Manager Development Services (or delegate) must attach the original notice to the application file and record in the Council report that the application has been called in for a decision by Council.

D- Call out by relevant Ward Councillor

The power to determine any application or other matter normally determined by Council under Conditions A and B may be delegated to the Manager Development Services by written notice. The notice must include a statement of reasons for the call-out. The notice must be signed by the relevant Ward Councillor, seconded by the Mayor and submitted to the Manager Development Services before a report on the application is included on the Council Agenda. The Manager Development Services (or delegate) must attach the original notice to the application file and record in the delegate report that the application has been called out for a decision by Manager Development Services.

E - Summer recess and emergency delegations

The power to determine any application normally determined by Council under Conditions A and B is delegated to the Director Social & Economic Development and the Manager Development Services during the following periods:

- between the final Council meeting of the calendar year and the first Council meeting of the following calendar year;
- during the activation of the Municipal Emergency Coordination Centre, business continuity plan or crisis management plan.

Before determining any application under this condition the Director Social & Economic Development or Manager Development Services must consult with the relevant Ward Councillor about the recommendation. The relevant Ward Councillor may call in the application in accordance with Condition C.

ENVIRONMENT AND ENGINEERING

No. of Pages – 10

7.7 Rue De Gare and Prospect Road, Wandin North Declaration of Special Charge

RESPONSIBLE OFFICER Director Environment and Engineering

SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 22 January 2019 considered a report on road improvement works for Rue De Gare and Prospect Road, Wandin North. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the *Local Government Act 1989*.

This report advises that eight submissions have been received regarding the special charge, and recommends that Council declare the special charge without modification.

RECOMMENDATION

That

1. *Council, having given notice of its intention, reviewed the details of the proposed special charge, and given consideration of submissions thereto, declare the special charge for works associated with the Rue De Gare and Prospect Road, Wandin North Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, without modification.*
2. *In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of the notice, for a review of the decision.*

DISCLOSURE OF CONFLICTS OF INTEREST

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

PROPOSAL

That Council declare a special charge scheme for the construction of Rue De Gare and Prospect Road, Wandin North.

BACKGROUND

Consultation has occurred with landowners of Rue De Gare and Prospect Road, Wandin North for the construction of their roads as a special charge scheme.

Council at its meeting of 22 January 2019 resolved of its intention to declare a special charge in accordance with the provisions of section 163 of the *Local Government Act 1989*.

The mandatory minimum of 28 days since the publication of the public notice advising of Council's intention to declare the special charge and for receiving submissions concluded on 4 March 2019. The concurrent formal period, for receiving submissions, of 28 days from the date of publication of the public notice has also closed. In accordance with requirements of the *Local Government Act 1989* Council must now consider any submissions received and determine whether to adopt, amend or abandon the scheme. If Council adopts or amends the scheme, the special charge may then be declared.

This report advises that eight submissions have been received regarding the special charge, and recommends that Council declare the special charge without modification.

STRATEGIC LINKS

The construction of local roads as a Special Charge Scheme meets the *Council Plan 2017-2021* strategic objective of Quality Infrastructure and Liveable Places. Local road construction also has benefits related to the strategic objective of a Vibrant Economy, Agriculture and Tourism.

In considering a strategic approach for future construction of unsealed roads, prioritisation and level of Council contribution required for Special Charge Scheme road construction under current policy, the proposed construction of Rue De Gare and Prospect Road offers benefit to the wider community, as it is urban in character (Urban Growth Area), completes the existing sealed network and requires an annual dust control treatment.

Council's *Special Rate and Charge Policy for Infrastructure Improvements* sets out in detail the procedures for managing Special Charge Schemes.

CONSULTATION

Public Notice

In accordance with Sections 163 (1A) and 223 of *the Local Government Act 1989* Council is required to give public notice of the intention to declare a special charge.

A public notice was published in The Mail local newspapers on 29 January 2019 and also on Council's Internet Website.

The public notice stated that submissions in respect of Rue De Gare and Prospect Road, Wandin North Special Charge Scheme will be considered by Council, outlined the proposed declaration, set out the date on which it is proposed to make the declaration and advised that copies of the proposed declaration are available for inspection at Council's office for at least 28 days after the publication of the notice.

Notification of Landowners Involved

In addition to the public notice published in The Mail local newspapers and on Council's Internet Website, all owners of properties within the designated area of the special charge scheme were notified by mail of the proposed special charge, with an advisory notice and covering letter dated 23 January 2019.

Information relating to Council's intention to declare the special charge was extensively outlined, including the amount for which the person(s) is liable and the rights of a person to make a submission to the special charge.

Persons Right to Make a Submission

Section 163 of the *Local Government Act 1989* requires Council to consider any written submissions. These submissions should be received within 28 days after the publication of the public notice.

The formal submission period has now closed. Both the advisory notice served and the public notice published advised that submissions must be received by 4 March 2019.

Persons making a written submission to Council are also entitled to request to appear before Council to be heard in support of their written submission.

Council must now consider any submissions received and determine whether to adopt, amend or abandon the scheme. If Council adopts or amends the Scheme, the special charge may then be declared.

Submissions Received

Eight written submissions to Council's intention to declare a special charge for Rue De Gare and Prospect Road, Wandin North Special Charge Scheme have been received.

The designated area of the scheme comprises 47 properties.

Summary of Submissions

Summarised below are the submissions received by Council. Copies of the original submissions received have been circulated to Councillors. The details of the submitters concerned have been excluded from this report in compliance with the *Privacy and Data Protection Act 2014*.

In accordance with Council's resolution when the Rue De Gare and Prospect Road, Wandin North Intent to Levy a Special Charge Report was adopted, the submitters were offered a consultation meeting to discuss their submission.

At the time of writing this report, consultation meetings have been held with submitters Number 1 and 5.

Seven of the eight submissions received objected to the allocation of a multiple development unit charge to the property.

These properties have been assessed by Council's Planning Department of being capable of further development (subdivision) under the current planning scheme. These properties are within the NRZ2 - Neighbourhood Residential Zone where many properties of a similar size have been successfully redeveloped.

Submission Number 1

The submission objects on the following grounds

"...I would like you to have you review my property as I am not planning any subdivision."

The submission also objects on the grounds that vehicular access for a lot created at the rear of the property would be problematic and that if an application was submitted for subdivision of the property in the future, an additional charge could be levied on the property at that time.

Comment

An on-site consultation meeting including the submitter, another landowner who subsequently made a submission (Submitter No. 5), Cr Stevenson and Council Officers was held on 11 February 2019.

This property is within the NRZ2 - Neighbourhood Residential Zone and has been allocated a charge of two development units based on advice from Council's Planning Department, in recognition of its development potential.

The charge is considered reasonable and consistent with the charge allocated to similar sized properties within the scheme. The charge is also consistent with charges allocated to properties (also within the NRZ2 - Neighbourhood Residential Zone) involved in the recent Special Charge Scheme to construct Edmond Crescent and George Street, Wandin North.

The charge aligns with Council Policy regarding apportionment of costs to properties with development potential.

The possibility of vehicular access to a lot created at the rear of the property was observed at the meeting.

In accordance with provisions of the *Local Government Act 1989*, Council cannot re-levy a scheme for the component of works for which a scheme has previously applied. Therefore an additional charge for the works cannot be levied against the property at a later date.

The possibility of allocating a suspended charge against the property, to apply in the case of future subdivision was raised at the meeting.

Comment

A suspended charge is not considered workable. The *Local Government Act 1989* (Section 165) requires that where there have been savings achieved with a special rate or special charge, Council must make a refund which is proportionate to the contributions received by the Council, to the current owners of the relevant land. If the property was to redevelop at some time following the completion of the project, there would not be a formal mechanism for Council to Levy a further charge to the property.

In past decisions of VCAT, it is understood that in considering the special benefit to a property Council is required to consider both the existing and potential special benefit associated with the levying of the Special Charge.

Any savings achieved with a special charge are determined when the Special Charge Scheme is Final Costed on completion of the project.

The submitter and the other landowner raised concerns at the meeting that, an additional charge levied on a property did not guarantee a planning permit would be granted for future development of the property.

Comment

Individual planning applications are assessed on their own merit. Within the NRZ2 - Neighbourhood Residential Zone many properties of similar size have been successfully developed.

The submitter and the other landowner also raised concerns about drainage to be included in the road construction project, as they considered the existing drainage inadequate.

Comment

Proposed works include concrete kerb and channel to direct water into the existing drainage network via new side entry and grated pits. The existing drainage has recently been inspected by Council's drainage officer and was clear of obstructions at that time. An assessment by Council's engineers has determined the incorporation of a fully constructed road pavement with kerb & channel into the existing underground drainage will have sufficient capacity to cater for a major storm event.

Submission Number 2

The submission objects to the scheme on the grounds of financial hardship and concerns of a possible increase in costs.

Council's Schemes Administration Officer contacted the submitter by telephone to discuss their submission. It was explained that the special charge provisions of the *Local Government Act 1989* limited the increase in liability of any party to pay the special rate or charge to 10% or less.

The submitter was advised that those landowners with a demonstrated financial hardship may apply for assistance in accordance with Council's *Rate Recovery and Financial Hardship Policy*.

Despite the financial burden, the submitter advised that they are supportive of the road construction project.

Submission Number 3

While supporting the proposed scheme, the submission objects that the property has been allocated 2 development unit charges in recognition of its development potential.

The submission states that the current owners do not intend to subdivide the property and that Council would have an opportunity to impose and recover an additional special charge should the property be subdivided at a later date.

The submitter requested to speak before Council in support of their submission and has been contacted with instructions on how to do so.

Comment

Refer to comments made to Submission Number 1 with regard to intent to subdivide and the levying of an additional special charge on a property at a later date.

Submission Number 4

The submission states that the affected property has a single land title and objects on similar grounds to Submissions 1 & 3.

Comment

Refer to comments made to Submission Number 1 with regard to the NRZ2 Zoning of the land, apportionment of costs to properties with development potential, intent to subdivide and the levying of an additional special charge on a property at a later date.

Submission Number 5

While supporting the proposed scheme, the submission objects on similar grounds to Submissions 1, 3 & 4 and on the grounds of financial hardship.

The submission states that there is a stormwater easement running through and dividing the property.

Comment

Refer to comments made to Submission No. 1 with regard to intent to subdivide and the levying of an additional special charge on a property at a later date.

Refer to comments made to Submission No. 2 with regard to financial hardship.

Council drainage currently exists within the easement within the property. Any potential redevelopment of the property would need to give consideration to the presence of the underground drainage infrastructure.

Submission Number 6

While supporting the proposed scheme, the submission objects on similar grounds to Submissions 1, 3, 4 & 5 and on the grounds of financial hardship.

The submission also objects on the grounds that the location of the dwelling, outbuildings and pool, on the property, would prevent subdivision.

The submission also states that it is unfair to allow the same repayment period for properties levied only 1 development unit charge as against properties levied 2 development unit charges.

Comment

Refer to comments made to Submission No. 1 with regard to the NRZ2 Zoning of the land, apportionment of costs to properties with development potential and intent to subdivide.

Refer to comments made to Submission No. 2 with regard to financial hardship.

The period that the proposed Special Charge Scheme will remain in force was specified (refer Attachment 2) when Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the *Local Government Act 1989*.

Specifying different periods that a Special Charge will remain in force, for different properties within the same Special Charge Scheme, is considered impractical to administer.

Submission Number 7

The submission objects on similar grounds to Submissions 1, 3, 4, 5 & 6.

The submission states that the property frontage is no greater than "...a so called normal block, so no extra distance of road is required...." And that the property owner's vehicular usage of the road is "...is no more or less than people on normal blocks in the area..."

The submission also objects on the grounds that properties on Sartina Place are levied a quarter of the charge allocated to the submitter's property.

Comment

Refer to comments made to Submission No. 1 with regard to the NRZ2 Zoning of the land, apportionment of costs to properties with development potential and intent to subdivide.

Assessment of the Special Charge was calculated on the basis of 100% per development unit (refer Attachment 2), when Council resolved to advise of its intention to declare a special charge at the meeting of 22 January 2019.

Neither the frontage of properties to Rue de Gare and Prospect Road, Wandin North nor the vehicular usage of individual property owners on the roads has been used to determine the allocation of the Special Charge.

Properties in Sartina Place that gain primary access to Prospect Road via the common property driveway and are not assessed as having development potential, have been allocated a charge of 0.5 development units. The allocation of special charge is in accordance with Council Practice.

Property 9 Sartina Place, which gains primary access from Prospect Road, and is not assessed as having development potential, has been allocated a charge of 1.0 development units, in accordance with Council Policy.

Submission Number 8

The submission objects on similar grounds to Submissions 1, 3, 4, 5, 6 & 7 and on the grounds of financial hardship.

The submission also notes that the submitter was informed by Council, in 2004, that future land sizes in the area would be at least half acre.

Comment

Refer to comments made to Submission No. 1 with regard to the current NRZ2 Zoning of the land, apportionment of costs to properties with development potential and intent to subdivide.

Refer to comments made to Submission No. 2 with regard to financial hardship.

FINANCIAL IMPLICATIONS

Based on preliminary estimates for road improvements to Rue De Gare and Prospect Road, Wandin North an amount of \$1,075,000 (landowners \$546,000, Council - Roads to Recovery \$424,000 and Council \$105,000) was listed in Council's 2018/19 to 2020/21 Capital Expenditure Budgets.

Following detailed design for the project the estimated cost of works has been determined as \$956,690 which includes an amount of \$207,654 for Council's contribution to works abutting the Lilydale to Warburton Rail Trail, \$191,338 Council 20% Scheme Contribution, \$20,000 for intersection improvements and \$9,191 for the Council reserve at 35 Prospect Road, Wandin North.

The landowner contribution is estimated to be \$528,507.

This estimate has been prepared based upon previous works carried out throughout the municipality and includes a 10% contingency amount.

A footpath constructed at Council cost, estimated at \$74,950, will be included in the project outside of the Special Charge Scheme as part of Council's footpath improvement program.

KEY ISSUES

Formal Notification to Landowners

Upon consideration of the submissions received and declaration of the special charge, the *Local Government Act 1989* requires those persons who have lodged a submission to be advised of Council's decision in relation to their submission.

All landowners are then to be formally notified of the special charge scheme and advised of their option to apply to the Victorian Civil and Administrative Tribunal for a review of Council's decision to introduce the special charge, as required by Section 185 of the Act.

Environmental Impacts

The proposed works will require the removal of nine (9) trees. These trees would be removed under Council's Road Vegetation Clearance Code guidelines. A planning permit is not required for trees removed under these guidelines. All works will be completed in compliance with Council's Code of Environmental Practice for Works on Council Managed Land. A Cultural Heritage Management Plan is not required for the works.

Council's Parks and Bushland Team will complete a streetscape review of the project, looking for opportunities to replant trees, the estimated cost of works includes a 5% allowance for Tree Management that would fund replanting costs.

The works will enhance the environmental amenity, through the reduction in dust, of users of the section of the Lilydale to Warburton Rail Trail adjacent to the works.

Social Impacts

Special Charge Schemes for road construction require sizeable contributions from abutting landowners. These contributions can lead to social and economic impacts for affected landowners. Council's *Special Rate and Charge Policy for Infrastructure Improvements* notes that those landowners with a demonstrated financial hardship may apply for assistance in accordance with Council's *Rate Recovery and Financial Hardship Policy*.

Economic Impacts

Refer to Social Impacts (above) for commentary on affected landowners and financial hardship.

The *Local Government Act 1989* recognises that a property receives a special benefit from construction of an abutting road. The economic benefit to an individual property is however difficult to quantify.

Risk Assessment

Construction of the road would provide the following benefits/risk reduction to landowners

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Rue De Gare and Prospect Road, Wandin North
- Improved stormwater drainage runoff control directed towards the roads from abutting properties, and protection of low side properties from stormwater runoff from the roads
- Enhanced physical and environmental amenity for abutting properties
- The roads are not listed as unsealed strategic roads or maintenance hot spot roads by Council's Infrastructure Services Department and have existed in their current form for many years. If the proposed construction of the roads does not proceed, no unacceptable or unmanageable risk would be experienced by Council.

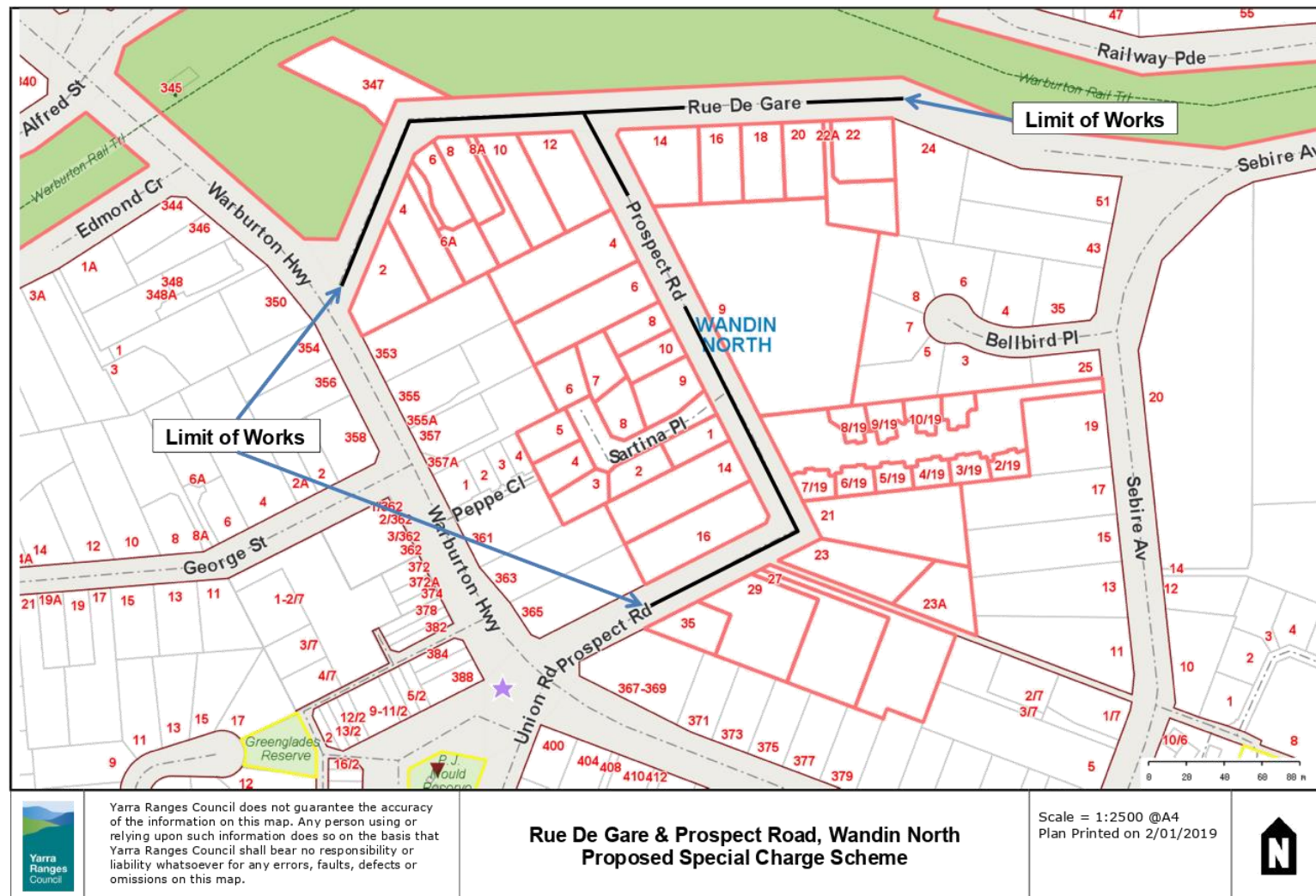
CONCLUSION

Following assessment of the submissions received and having regard to the need for the proposed works, it is recommended that Council adopt and declare the special charge without modification.

ATTACHMENTS

- 1 Plan Showing Designated Area of Scheme
- 2 Council Report 22/01/219 - Intention to Levy a Special Charge
- 3 Schedule of Costs per Property

ATTACHMENT 1. Plan Showing Designated Area of Scheme



7.3 Rue De Gare and Prospect Road, Wandin North Intent to Levy a Special Charge

RESPONSIBLE OFFICER Acting Director Environment & Engineering

SUMMARY

In response to a petition from residents, landowners along Rue De Gare and Prospect Road, Wandin North were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the roads.

As a result of the significant level of support received from these landowners, construction of the roads is listed in Council's 2018/19 to 2020/21 Capital Expenditure Program.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Rue De Gare and Prospect Road, Wandin North.

RECOMMENDATION***That***

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 22 January 2019, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Rue De Gare and Prospect Road, Wandin North.*
2. *In accordance with Section 163 (3) of the Local Government Act 1989 Council specifies that the special charge*
 - (a) *Is proposed to be declared for the land in the "designated area" shown on the attached plan.*
 - (b) *Will be payable in respect of all rateable land within the designated area.*
 - (c) *Will be assessed and levied as set out in this resolution.*
 - (d) *Will remain in force for the period commencing on 1 July 2020 and concluding on 30 June 2030.*
3. *In accordance with Section 221 of the Local Government Act 1989 the special charge is also proposed to be declared in respect of land within the designated area which is not rateable land and is not Crown land.*
4. *It is recorded that assessment of the special charge is calculated on the following basis*
 - (a) *\$9,191 per development unit.*
 - (b) *Plus financing cost of 5% per annum.*
 - (c) *100% on a development unit basis as follows.*

- (i) *Special benefit where a dwelling or building is permitted.*
 - (ii) *The degree of special benefit having regard to the use or future use of the land.*
5. *The amount assessed, based on the assessment factors, is set out in the attached schedule of costs per property for the scheme.*
 6. *If works do not commence within 12 months of declaration of the special charge scheme the financing cost rate applicable to landowners repaying the special charge over 10 years be reviewed, based on number of assessments involved, interest rate movements and the quantum of the project.*
 7. *Should the financing cost rate change after review, a further report be submitted to Council at the time of commencing works to confirm the financing cost rate that shall apply to the proposed special charge, and those persons liable to pay the special charge over a 10 year period be notified of the revised financing rate.*
 8. *In accordance with section 167 (4) of the Local Government Act 1989, landowners be offered an option to repay their charge as a lump sum payment. For landowners to undertake this option, full payment is to be made by 15 February 2021, and the proportion of the cost to finance this scheme attributable to the property is to be deducted from the total charge.*
 9. *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 \$660,634 ("the amount to be paid"); comprising of \$528,507 for the cost of works and \$132,127 for financing cost.*
 - (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.*
 10. *The Chief Executive Officer be authorised to give public notice of the intent to declare the special charge in accordance with Section 163 (1A) and 223 of the Local Government Act 1989 in The Mail newspapers and on Council's Internet Website.*
 11. *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.*
 12. *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 scheduled for 26 March 2019, or should this meeting not proceed then the next available meeting.*
 - (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.*
 13. *If no submissions are made, the matter be reported to Council at the meeting*

scheduled for 26 March 2019, or should this meeting not proceed then the next available meeting.

- 14. 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 landowners of Council's intent to levy a special charge for the construction of Rue De Gare and Prospect Road, Wandin North.

The proposed improvements works will provide the following benefits to involved landowners.

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Rue De Gare and Prospect Road, Wandin North.
- Improved stormwater drainage runoff control directed towards the roads from abutting properties and protection of low side properties from stormwater runoff from the roads.
- Enhanced physical and environmental amenity for abutting properties.
- Special benefit to landowners of properties, within the designated area of the scheme, abutting or gaining primary access via the proposed works.

BACKGROUND

Rue De Gare and Prospect Road, Wandin North are local roads approximately 645 metres in combined length connecting abutting properties to the Warburton Highway.

In July 2016 Council considered a report on the estimated cost and benefits for a Special Charge Scheme to construct the roads and resolved to survey affected landowners.

In accordance with Council's Special Charge Scheme Policy, landowner support was sought and obtained for construction of the roads. The project is listed in Council's 2018/19 to 2020/21 Capital Expenditure Program. Design is complete and the project is ready to proceed to the statutory phase.

STRATEGIC LINKS

The construction of local roads as a Special Charge Scheme meets the *Council Plan 2017-2021* strategic objective of Quality Infrastructure and Liveable Places. Local road

construction also has benefits related to the strategic objective of a Vibrant Economy, Agriculture and Tourism.

In considering a strategic approach for future construction of unsealed roads, prioritisation and level of Council contribution required for Special Charge Scheme road construction under current policy, the proposed construction of Rue De Gare and Prospect Road offers benefit to the wider community, as it is urban in character (Urban Growth Area), completes the existing sealed network and requires an annual dust control treatment.

Council's *Special Rate and Charge Policy for Infrastructure Improvements* sets out in detail the procedures for managing Special Charge Schemes.

CONSULTATION

In August 2016 landowners along Rue De Gare and Prospect Road, Wandin North were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the roads, results were as follows.

- 39 (83%) of landowners responded to the survey.

Of those landowners who responded to the survey

- 24 (63%) supported the proposed Special Charge Scheme.
- 14 (36%) opposed the proposed Special Charge Scheme.
- 1 (1%) neither supported nor opposed the proposed Special Charge Scheme.

Landowners were advised that sufficient landowner support for the proposed Special Charge Scheme had been identified. The project was referred for inclusion in Council's forward 10 year Capital Expenditure Program and design commenced. Landowners were also advised that a footpath, constructed at Council cost, would be considered for inclusion in the project.

In May 2018 landowners were advised that construction of the roads was anticipated in the 2019/20 financial year, subject to successful completion of the Special Charge Scheme statutory process.

A public meeting of landowners along Rue De Gare and Prospect Road, Wandin North was held on 5 December 2018, to discuss the standard of works and the statutory processes required to implement a Special Charge Scheme.

Landowner meeting outcomes included.

- A sealed left hand turn slip lane from Warburton Highway into Rue De Gare together with appropriate linemarking will be included as part of the proposed project, subject to VicRoads approval.
- Council will request that VicRoads provide a right hand turn lane from Warburton Highway into Rue De Gare.

- A stop sign with appropriate linemarking will be provided at the intersection of Rue De Gare and Prospect Road. No Through Road signs will be installed on both roads.
- A concrete footpath along the south eastern side of Rue De Gare from Warburton Highway to Prospect Road and then along Prospect Road connecting to the existing path at the dead end will be constructed at Council cost in conjunction with the road construction.
- The existing footpath at the end of Prospect Road will be upgraded to concrete construction.
- In order to maintain the integrity of the footpath, concrete vehicle crossing infills from the back of kerb to the property boundary are proposed to be constructed as part of the scheme. The vehicle crossing would then become the property owner's ongoing responsibility to maintain.
- To ensure fairness in cost distribution for landowners, all existing vehicle crossings on Rue De Gare & Prospect Road would be constructed in concrete from back of kerb to the property boundary.

FINANCIAL IMPLICATIONS

2018/19 to 2020/21 Capital Expenditure Program Budgets

Based on preliminary estimates for road improvements to Rue De Gare and Prospect Road, Wandin North an amount of \$1,075,000 (landowners \$546,000, Council - Roads to Recovery \$424,000 and Council \$105,000) was listed in Council's 2018/19 to 2020/21 Capital Expenditure Budgets.

Following detailed design for the project the estimated cost of works has been determined as \$956,690 which includes an amount of \$207,654 for Council's contribution to works abutting the Lilydale to Warburton Rail Trail, \$191,338 Council 20% Scheme Contribution, \$20,000 for intersection improvements and \$9,191 for the Council reserve at 35 Prospect Road, Wandin North.

The landowner contribution is estimated to be \$528,507.

This estimate has been prepared based upon previous works carried out throughout the municipality and includes a 10% contingency amount.

A footpath constructed at Council cost, estimated at \$74,950, will be included in the project outside of the Special Charge Scheme as part of Council's footpath improvement program.

Scheme Details

Estimated Project Cost (refer to attached Engineers Estimate)	\$1,031,640
<u>Less</u> Footpath Construction	\$74,950

Estimated Scheme Cost	\$956,690
<u>Less</u> Council Contribution for works abutting Lilydale to Warburton Rail Trail	\$207,654
<u>Less</u> Council's 20% Contribution	\$191,338
<u>Less</u> Council Contribution for Intersection Improvements at Warb.Hwy/Rue De Gare	\$20,000
<u>Less</u> Council Contribution for Reserve at 35 Prospect Road	\$9,191
Balance of estimated cost to be recovered from landowners (excluding financing costs)	\$528,507

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

Financing Costs

Funding of the landowners component of the project is to be provided through loans. The financing cost rate is determined from Council's latest borrowings. The financing cost rate applicable is 5.0% based on latest borrowings rates for a ten year period.

Financing costs are to be recovered from landowners who choose not to pay in full by 15 February 2021. Total landowners' estimated share for the works is \$528,507 plus an amount of \$132,127 for financing costs. These financing costs have been separately accounted for in the debt servicing budget.

Period for Which Special Charge Remains in Force

The special charge remains in force for the period commencing 1 July 2020 and concluding on 30 June 2030, or until paid in full with any interest thereon.

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 2021. 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 Payments

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

Status of Rue De Gare and Prospect Road, Wandin North

A search of Council's records indicates that Rue De Gare and Prospect Road, Wandin North have not previously been constructed to the satisfaction of Council under Section 163 of the *Local Government Act 1989* or under Division 10 of Part XIX or Part XIII of the *Local Government Act 1958*.

Council is therefore able to proceed with its intent to declare a special charge pursuant to Section 163 of the *Local Government Act 1989*.

Power to Undertake Works

Implementation of the works will be carried out under part 1A of the *Local Government Act 1989* which identifies the purpose, objectives, roles, functions and powers of Councils.

Nature and Purpose of Special Charge

The proposed special charge has been initiated in response to requests from residents of Rue De Gare and Prospect Road, Wandin North for improvements to their road. As a result of landowner consultation, significant support has been indicated from the landowners of Rue De Gare and Prospect Road, Wandin North for implementing a Special Charge Scheme for sealing the roads and drainage improvement works.

The purpose of the special charge is to improve safety, amenity and accessibility for landowners involved.

Designated Area

The special charge is proposed to be declared in respect of the properties within the designated area, being those properties that abut or gain primary access via Rue De Gare and Prospect Road, Wandin North as shown on the attached plan.

These properties are considered to be naturally coherent in accordance with the Ministerial Guideline on Special Rates and Special Charges.

Planning Policies

The proposed works are to be carried out within the NR22 – Neighbourhood Residential Zone – Schedule 2 & the PPRZ - Public Park and Recreation Zone of the Yarra Ranges Planning Scheme.

For these zones the planning scheme includes a purpose and objective. The proposed works are considered consistent with the purpose and objective of these zones.

In addition to zone objectives it is considered these works are consistent with the planning scheme requirements applied to works, specifically

- Minimal impact to the natural environment and landscape.

- Enhancement of visual amenity of the area.

The proposed works will require the removal of nine (9) trees. These trees would be removed under Council's Road Vegetation Clearance Code guidelines. A planning permit is not required for trees removed under these guidelines. All works will be completed in compliance with Council's Code of Environmental Practice for Works on Council Managed Land. A Cultural Heritage Management Plan is not required for the works.

Description of Works

Proposed works include

- Approximately 645 metres urban standard asphalt road with concrete kerb and channel/concrete edge strip on both sides of the road and associated drainage.
- The road width will generally be 5 metres.
- Asphalt overlay at the intersection of Warburton Highway and Rue De Gare.
- Concrete footpath along the south eastern side of Rue De Gare from Warburton Highway to Prospect Road and then along Prospect Road.

These works are considered to be of an appropriate standard to service Rue De Gare and Prospect Road, Wandin North, and are not in excess of the standard which would normally be adopted by Council for the improvement of a local road.

Special Charge Scheme

A Special Charge Scheme has now been prepared for the above works, to allow Council to advise of its intent to declare a special charge.

Attached are plans showing the designated area, estimate of cost of works and schedule of costs per property for road improvement works to Rue De Gare and Prospect Road, Wandin North.

Environmental Impacts

The proposed works will require the removal of nine (9) trees. These trees would be removed under Council's Road Vegetation Clearance Code guidelines. A planning permit is not required for trees removed under these guidelines. All works will be completed in compliance with Council's Code of Environmental Practice for Works on Council Managed Land. A Cultural Heritage Management Plan is not required for the works.

Council's Parks and Bushland Team will complete a streetscape review of the project, looking for opportunities to replant trees, the estimated cost of works (Attachment 3) includes a 5% allowance for Tree Management that would fund replanting costs.

The works will enhance the environmental amenity, through the reduction in dust, of users of the section of the Lilydale to Warburton Rail Trail adjacent to the works.

Social Impacts

Special Charge Schemes for road construction require sizeable contributions from abutting landowners. These contributions can lead to social and economic impacts for affected landowners. Council's *Special Rate and Charge Policy for Infrastructure Improvements* notes that those landowners with a demonstrated financial hardship may apply for assistance in accordance with Council's *Rate Recovery and Financial Hardship Policy*.

Economic Impacts

Refer to Social Impacts (above) for commentary on affected landowners and financial hardship.

The *Local Government Act 1989* recognises that a property receives a special benefit from construction of an abutting road. The economic benefit to an individual property is however difficult to quantify.

Risk Assessment

Construction of the road would provide the following benefits/risk reduction to landowners

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Rue De Gare and Prospect Road, Wandin North.
- Improved stormwater drainage runoff control directed towards the roads from abutting properties, and protection of low side properties from stormwater runoff from the roads.
- Enhanced physical and environmental amenity for abutting properties.
- The roads are not listed as unsealed strategic roads or maintenance hot spot roads by Council's Infrastructure Services Department and have existed in their current form for many years. If the proposed construction of the roads 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 make a submission to the proposed declaration, and how those persons may make a submission. Submissions 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 scheduled for 26 March 2019, or should this meeting not proceed then the next available meeting.
- Copies of submissions (including submitter's names and addresses) will be made available at the Council meeting when their submissions are considered.

DECLARATION OF THE SPECIAL CHARGE

It is recommended that Council at its meeting scheduled for 26 March 2019, or should this meeting not proceed then the next available meeting, following the consideration of any submissions, determine whether to adopt, amend or abandon the scheme. If Council adopts or amends the scheme, the special charge may then be declared.

The special charge is then levied by sending a notice under *Section 163 (4) of the Local Government Act 1989* to the persons liable to pay the charge.

Following the levying of the charge a person under Section 185 of the Local Government Act 1989 aggrieved by the imposition of the special charge on that person, may within 30 days after the date of issue of the notice levying the charge, apply to the Victorian Civil and Administrative Tribunal for a review of the decision.

CONCLUSION

It is therefore recommended that Council advise affected landowners of its intent to declare a special charge for the Rue De Gare and Prospect Road, Wandin North Road Improvement Works Special Charge Scheme in accordance with the provisions of the *Local Government Act 1989*.

ATTACHMENTS

- 1 Special Benefit and Maximum Total Levy

- 2 Designated Area
- 3 Estimated Cost of Works
- 4 Schedule of Costs per Property

COPY

Rue De Gare and Prospect Road, Wandin North
Proposed Special Charge Scheme

PROJECT COST SUMMARY:				COUNCIL COSTS SUMMARY:			APPORTIONMENT SUMMARY:	
Total Project Cost (Inc. Design, Supervision/Admin & Offset)		\$1,031,640		Council 20% Contribution (Scheme)		\$191,338		
Less Footpath Costs		\$74,950		Subsidy for costs above ceiling		Nil	Unit Ratio = 100%	
Total Scheme Cost		\$956,690		Council contribution for works abuttal Warburton Rail Trail Reserve 280m		\$207,654	Total Landowner Units = 57.50	
Less Total Council (Scheme) Costs		\$428,183		Council Contribution for Reserve 35 Prospect Road		\$9,191	Total Council Units = 1.0	
Total Landowners Contribution		\$528,507		Intersection Improvements Warb. Hwy/Rue De Gare		\$20,000	\$ / Unit = \$9,191	
Financing Costs		\$132,127		Footpath Costs		\$74,950	Residential Ceiling 17/18 = \$15,500	
				Total Council Project Contribution		\$503,133		
DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE	
Lot 16 PS645559	8 Prospect Road	13235	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 1 LP56255 Ca	14 Prospect Road	13236	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 1 PS435866 Ca	29 Prospect Road	13238	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Ca PT89 PWandin	9 Prospect Road	13239	10.0	\$91,914.25	\$22,978.56	\$114,892.81	\$11,489.28	
Lot 1 LP51328 Ca	2 Rue De Gare	13709	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 2 LP51328 Ca	4 Rue De Gare	13710	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 1 PS718278 Ca	6 Rue De Gare	13711	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 1 PS531460 Ca	8 Rue De Gare	13712	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 5 LP51328 Ca	10 Rue De Gare	13713	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 6 LP51328 Ca	12 Rue De Gare	13714	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 1 LP72419 Ca	14 Rue De Gare	13715	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 2 LP72419 Ca	16 Rue De Gare	13716	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 3 LP72419 Ca	18 Rue De Gare	13717	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 4 LP72419 Ca	20 Rue De Gare	13718	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Ca 89B PWandin Y	347 Warburton Highway	14812	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 10 PS340725 Ca	10/19 Prospect Road	68076	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 1 PS628115 Ca	22 Rue De Gare	70319	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 6 PS400902 Ca	21 Prospect Road	75845	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 1 PS706948 Ca	23 Prospect Road	78699	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 1 PS432933 Ca	4 Prospect Road	79924	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 2 PS432933 Ca	6 Prospect Road	79925	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 7 PS340725 Ca	7/19 Prospect Road	81034	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 6 PS340725 Ca	6/19 Prospect Road	81035	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 5 PS340725 Ca	5/19 Prospect Road	81317	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 4 PS340725 Ca	4/19 Prospect Road	81400	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 2 PS435866 Ca	27 Prospect Road	81402	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 2 PS340725 Ca	2/19 Prospect Road	81665	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 3 PS340725 Ca	3/19 Prospect Road	81666	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 3 PS435866 Ca	25 Prospect Road	81814	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 8 PS340725 Ca	8/19 Prospect Road	83780	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 9 PS340725 Ca	9/19 Prospect Road	83781	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 11 PS340725 Ca	11/19 Prospect Road	83911	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 1 LP99199 Ca	16 Prospect Road	84152	2.0	\$18,382.85	\$4,595.71	\$22,978.56	\$2,297.86	
Lot 2 PS531460 Ca	8A Rue De Gare	84483	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 2 PS628115 Ca	22A Rue De Gare	87107	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	

**Rue De Gare and Prospect Road, Wandin North
Proposed Special Charge Scheme**

PROJECT COST SUMMARY:				COUNCIL COSTS SUMMARY:			APPORTIONMENT SUMMARY:	
Total Project Cost (Inc. Design, Supervision/Admin & Offset)		\$1,031,640		Council 20% Contribution (Scheme)		\$191,338		
				Subsidy for costs above ceiling		Nil	Unit Ratio = 100%	
	Less Footpath Costs	\$74,950	Council contribution for works abuttal Warburton Rail Trail Reserve 280m			\$207,654	Total Landowner Units = 57.50	
	Total Scheme Cost	\$956,690	Council Contribution for Reserve 35 Prospect Road			\$9,191	Total Council Units = 1.0	
	Less Total Council (Scheme) Costs	\$428,183	Intersection Improvements Warb. Hwy/Rue De Gare			\$20,000	\$ / Unit = \$9,191	
	Total Landowners Contribution	\$528,507	Footpath Costs			\$74,950	Residential Ceiling 17/18 = \$15,500	
	Financing Costs	\$132,127	Total Council Project Contribution			\$503,133		
DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE	
Lot 2 PS706948 C	23A Prospect Road	90624	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 6 PS645559 C	1 Sartina Place	90903	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 8 PS645559 C	3 Sartina Place	90904	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 14 PS645559 C	9 Sartina Place	90905	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 7 PS645559 C	2 Sartina Place	90934	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 10 PS645559 C	5 Sartina Place	90935	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 12 PS645559 C	7 Sartina Place	90936	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 13 PS645559 C	8 Sartina Place	90937	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 11 PS645559 C	6 Sartina Place	90939	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 15 PS645559 C	10 Prospect Road	90986	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Lot 9 PS645559 C	4 Sartina Place	90991	0.5	\$4,595.71	\$1,148.93	\$5,744.64	\$574.46	
Lot 2 PS718278 C	6A Rue De Gare	91031	1.0	\$9,191.42	\$2,297.86	\$11,489.28	\$1,148.93	
Total			57.50	\$528,506.93	\$132,126.73	\$660,633.66	\$66,063.37	
Notes								
Council Contribution for Reserve 35 Prospect Road								
Reserve LP114271	35 Prospect Road	13237	1.0	\$9,191.42				
Abuttal to Warburton Rail Trail Reserve = 280m								
Council Contribution for 1/2 cost abuttal to Warburton Rail Trail Reserve (280m) =				\$207,654				

7.8 Expression of Interest - Former Montrose MCH Building

RESPONSIBLE OFFICER Director Environment and Engineering

SUMMARY

In late 2018, Council undertook an Expression of Interest process to seek a Social Enterprise tenant for the vacant former Maternal & Child Health building at 4 Leith Road, Montrose.

With the generally accepted definition of Social Enterprise organisations being quite specific, Council's initial Expression of Interest process failed to uncover a respondent which adequately met the selection criteria. Due to the criteria set, other community organisations, which do not classify as Social Enterprise organisations, were dissuaded from expressing their interest in the site.

Officers now seek an alternative resolution which concludes the initial Expression of Interest process on the basis that a suitable Social Enterprise organisation could not be found, and broadens Council's search for a tenancy to include all community organisation types.

At the conclusion of a secondary Expression of Interest process, a further report would be presented to Council to confirm a tenancy arrangement.

RECOMMENDATION

That, having undertaken an Expression of Interest process to seek a Social Enterprise tenant for the vacant former MCH building at 4 Leith Road, Montrose, and having assessed that none of the submissions satisfactorily met the criteria of a Social Enterprise, Council

- 1. Conclude its current Expression of Interest process without awarding the tenancy on the basis that a suitable Social Enterprise tenant was not found.***
- 2. Resolves to broaden its search for a tenant for the property to include all community organisation types.***
- 3. Commence a secondary Expression of Interest process, with results of the report to be presented to Council following officer's evaluation of submissions.***

DISCLOSURE OF CONFLICTS OF INTEREST

The author of this report has no conflicts of interest to report in relation to this matter.

PROPOSAL

With no suitable Social Enterprise Expression of Interest submissions forthcoming, officers seek a new Council resolution which terminates the initial Expression of Interest process on the basis that a suitable Social Enterprise organisation was not found, and broadens Council's search for a tenancy to include all community organisation types.

BACKGROUND

On 14 August 2018, Council resolved to undertake “a process to identify community interest in occupying the former Maternal Child Health building located at 4 Leith Road, Montrose for a Social Enterprise activity”.

The generally accepted definition of ‘Social Enterprise’, is that they are businesses that undertake commercial activity (trade) so they may intentionally tackle social problems, improve communities, provide people access to employment and training, or help the environment, with their primary characteristics being that they:

- Are expressly driven by a public or community cause, be it economic, social, cultural, or environmental
- Use trade as the means to fulfil their community benefit mission
- Derive most of their income through trade, not through donations or grants
- Use the majority (at least 50%) of their profits to work toward their social mission objective.

Following a four week Expression of Interest period, Council received four Expression of Interest submissions which subsequently were assessed by an evaluation panel against the aforementioned criteria. Through that process Council’s evaluation panel concluded that none of the submissions received satisfactorily met the Expression of Interest’s specific Social Enterprise criteria as they stood.

Officers are also of the opinion that Council’s strict criteria around Social Enterprise acted to dissuade a number of other community groups who felt they did not qualify under that definition, from applying.

Therefore, with a view to enabling a fair and equitable process, it is recommended that Council conclude its current Expression of Interest process without the tenancy being awarded to any of the current submitters, and that a secondary Expression of Interest process be commenced which includes a broadened selection criteria to enables participation from all community organisation types.

If adopted by Council, current submitters would be encouraged to make a new submission in line with new and less restrictive criteria, along with all other interested community groups.

STRATEGIC LINKS

Any lease entered into as a result of this process will be done so in line with Council’s Leasing and Licencing Policy, with lease fees subject to Council’s Schedule of Fees and Charges in the Council Budget.

CONSULTATION

If Council resolves to undertake a secondary Expression of Interest process, an extensive notification process would be undertaken to reach local community organisations who may be interested in occupying the building. Methods of notification would include:

- Local newspaper advertising
- Direct contact with local community organisations using Council's networks
- Targeted social media posts
- Webpage Information site which will include information about the site and Expression of Interest documentation
- A series of Open Houses will be conducted to allow interested organisations to view the site.

FINANCIAL IMPLICATIONS

The current Expression of Interest documentation included a fee 'range' allowing for varied fee proposals by different organisation types, from \$290.00 per annum for an Incorporated not-for-profit community organisation, up to \$28,050.00 per annum for a full commercial operation (as per independent valuation).

The secondary Expression of Interest documentation would include similar fee expectations.

Council is offering the facility for lease 'as is', with any fit-out or improvements to be undertaken at the cost and responsibility of the tenant. While Council would retain maintenance responsibility for the building structure, the tenant would be responsible for general internal and grounds maintenance, and costs relating to utilities, cleaning and outgoings, etc.

Council will incur advertising costs of approximately \$600 for the secondary Expression of Interest process.

KEY ISSUES

Environmental Impacts

There are no environmental impacts associated with this issue.

Social Impacts

Council's primary objective in undertaking the Expression of Interest has been to seek a tenant whose utilisation of the facility will provide real benefit to the Montrose, and wider Yarra Ranges community.

Economic Impacts

Although economic impacts are not a primary concern in relation to this issue, Council's assessment process considers any potential conflicts or undue competition to surrounding existing business owners which could result from its decision to award a tenancy.

Risk Assessment

There has been no risk assessment undertaken in relation to this issue

CONCLUSION

Council's current Expression of Interest process has been unable to uncover a Social Enterprise tenancy for its property which satisfactorily met the criteria set out in the Expression of Interest documentation.

Although the submissions received through the current process have been from worthy community organisations, it is felt that their proposals did not adequately meet Council's expectations for a Social Enterprise use. Therefore, given Council's inability to uncover a Social Enterprise tenancy, it is recommended that Council conclude the current process and commence a secondary Expression of Interest process which opens the invitation to all community group types, including Social Enterprises but not exclusively.

ATTACHMENTS

There are no attachments to this report.

7.9 CT5775 - Warburton Mountain Bike Destination - Award of Contract

RESPONSIBLE OFFICER Director Environment and Engineering

SUMMARY

This project involves the delivery of approximately 110km of purpose built mountain bike trails and associated minor water crossings for Stage 1 of the Warburton Mountain Bike Destination.

The project will be undertaken in two phases using an early contractor involvement delivery methodology in which:

- the design development, cost planning and programming of the works in the Project Development Phase will be performed on a part fixed lump sum and part schedule of rates basis
- subject to the successful completion of the Project Development Phase, the Principal may engage the Contractor for the Delivery Phase on a fixed lump sum basis based on the pricing submitted as part of the successful tender.

An advertisement calling for Tenders was placed in The Age newspaper on Saturday 19 January 2019. Tenders closed on 15 February 2019 and 3 conforming submissions were received.

The evaluation panel recommends the tender from World Trail Pty Ltd be accepted for an estimated contract value of \$3,928,085 exclusive of GST (\$4,320,893.50 inclusive of GST).

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 contract for CT5775 – Warburton Mountain Bike Destination to World Trail Pty Ltd ATF World Trail Unit Trust t/as World Trail Pty Ltd for the estimated total lump sum price of \$3,928,085 exclusive of GST (\$4,320,893.50 inclusive of 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 1989.***

DISCLOSURE OF CONFLICTS OF INTEREST

All members of the Tender evaluation panel signed the conflict of interest declarations. None of the members declared any actual, perceived or potential conflict of interest.

PROPOSAL

Seek Council approval to enter into a new contract for the Warburton Mountain Bike Destination.

BACKGROUND

The Warburton Mountain Bike Destination Project will deliver a world class mountain bike experience around the township of Warburton that will attract local, regional, interstate and international riders. Aiming to be Australia's first International Mountain Bike Association Gold Level Ride Centre it is expected to attract 165,000 visitors, deliver over \$20M in annual economic activity and support the creation of 100 jobs.

This contract is for the delivery of 110km of trails as part of Stage 1 of the project. Stage 1 is funded at \$9M through a combination of Federal, State, Council and Upper Yarra Community Enterprise contributions and will include additional supporting infrastructure (bridges, car parks, toilets and amenities, environmental improvements).

STRATEGIC LINKS

By recommending the contractor that presents the best value outcome, this report supports Council's strategy for long term financial sustainability.

CONSULTATION

During the period April to October 2018 Council undertook extensive community consultation on the master plan for the Warburton Mountain Bike Destination. Feedback was sought from residents of Warburton and the Yarra Valley, businesses, community groups, government agencies and mountain bike riders. This feedback has been considered in the further development of the Master Plan and will contribute to Stage 1 (Design Development) of this contract

FINANCIAL IMPLICATIONS

A total amount of up to \$3,928,085 (exclusive of GST) is available from Council's Capital Expenditure Program (Mountain Bike Destination Warburton) for the 2018/19 and 2019/20 financial years.

The evaluation panel recommends the tender from World Trail Pty Ltd be accepted for an estimated contract value of \$3,928,085 exclusive of GST (\$4,320,893.50 inclusive of GST).

KEY ISSUES

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

The evaluation panel (consisting of Council, Parks Victoria, Department of Environment Land Water and Planning officers) scored the tenders against pre-established evaluation criteria, as published in the tender documents.

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

Detailed environmental studies have been undertaken during project planning in order to minimise impacts and protect important values. The project will be undertaken in accordance with relevant planning and environmental legislation.

Social Impacts

Local and social sustainability was considered as part of the evaluation process. The preferred tenderer has committed to recruiting five local staff to support the construction phase of the contract.

Economic Impacts

During the construction phase the successful tenderer will have approximately 20 staff living locally, contributing to the local economy. They have committed to sourcing local materials and the purchase of plant and equipment using local suppliers.

CONCLUSION

That Council adopts the recommendations of this report.

ATTACHMENTS

- 1 CT5775 - Warburton Mountain Bike Destination (*Confidential*)

7.10 CT5843 - Yarra Valley Trail - Stage 1A

RESPONSIBLE OFFICER Director Environment and Engineering

SUMMARY

This contract is for the construction of a new 7.4 kilometre long shared path trail between Beresford Road, Lilydale and MacIntyre Lane, Yering. This construction constitutes Stage 1A of the Yarra Valley Trail project.

An advertisement calling for tenders was placed in The Age newspaper on Saturday 19 January 2019.

Tenders closed on Wednesday 13 February 2019 and six (6) tenders were received.

The evaluation panel recommends the tender from RK & JA Kent & Co Pty Ltd be accepted for a total contract lump sum price of \$1,435,965 (exclusive of GST).

RECOMMENDATION

That

1. ***Council awards the tender from RK & JA Kent & Co Pty Ltd for a total contract lump sum price of \$1,435,965 exclusive of GST (\$1,579,561.50 inclusive of GST) for Contract CT5843 – Yarra Valley Trail – Stage 1A.***
2. ***The contract document 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.***

DISCLOSURE OF CONFLICTS 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 Yarra Valley Trail Stage 1A.

BACKGROUND

This project was identified in various Council adopted strategies including the Hike and Bike Plan 2005 and the Eastern Regional Trails Strategy 2008. The Stage 1 was confirmed in the Yarra Valley Trail Feasibility Study Report and the Yarra Valley Trail Impact Assessment.

A consultant was engaged in 2015 to prepare the Master Plan and the design documentation. The Master Plan and Design also included branding, signage and documentation suitable to seek planning consent / approvals.

This contract includes the following:

- Trail detailed design as required
- Trail construction
- Trail infrastructure detailed design as required
- Trail infrastructure construction
- Trail infrastructure repair and remediation and design as required
- Removal and safe and adequate disposal of sleepers
- Removal and recycling salvage of steel rails and other steel with quantities retrieved accounted for and records supplied to council.
- Reinforced concrete path
- Crushed rock paths
- Path shoulders and edging
- Handrails
- Fencing
- Road crossings
- Farm crossings
- Signage.

STRATEGIC LINKS

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

CONSULTATION

Relevant stakeholders within the organisation and the external consultants engaged for the master plan and design documentation were consulted during the tender and the evaluation processes. Reference checks with other organisations have also occurred.

FINANCIAL IMPLICATIONS

This tender is part of a larger Yarra Valley Trail Stage 1 project. Overall Stage 1 has committed funding (exclusive of GST) as follows:

- \$2.5M Council
- \$2.5M Growing Suburbs Fund (DELWP); and
- \$1.0M Eastern Metropolitan Partnership (DELWP). The Eastern Metropolitan Partnership funding is for Stage 1A only.

Funding for Yarra Valley Trail Stage 1 A will be available from the above funding sources.

The evaluation panel recommends the tender from RK & JA Kent & Co Pty Ltd be accepted for a total contract lump sum price of \$1,435,965 (exclusive of GST).

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

Selection Criteria
Price
Capability & Capacity to Undertake Work
Sustainability
Methodology
Ability to meet Council timing requirements

Environmental Impacts

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

Social Impacts

Local and social sustainability was considered as part of the evaluation process.

Five (5) employees of the preferred tenderer are residents of Yarra Ranges Shire Council. The tenderer has committed to source 85% of goods, services and materials from within Yarra Ranges Shire Council.

During construction, the tenderer may employ two (2) additional personnel from within the local community.

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 proposed to use a local family owned and operated scrap steel business to manage the scrap steel resulting from the construction.

Risk Assessment

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

CONCLUSION

That Council adopts the recommendations within this report.

ATTACHMENTS

- 1 CT5843 - Confidential Attachment (*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

The following petitions have been received:

PART A – General Petitions

1. Request that Council construct footpaths along Nambour Drive, Maralee Drive and Naroo Road connecting Landscape Drive to Bimbadeen Drive, Mooroolbark. Residents raised concerns regarding the need for safe pedestrian access in this area and the benefit the improved public safety will have on the whole community. 88 valid signatures.
2. Request that Council construct a footpath on Coolaroo Court in Mooroolbark. Residents raise concerns that there is great need for a footpath on Coolaroo Court as many parents, children and elderly from the neighbourhood walk along this road to get to nearby kindergartens, primary schools, parks and shops and require a safe place to walk. Currently residents either walk on the uneven nature strips or due to parked cars are forced to walk further onto the road with prams and children. 31 valid signatures.

RECOMMENDATION

That the following listed General Petitions be received and noted and referred to the appropriate officer.

1. ***Request that Council construct footpaths along Nambour Drive, Maralee Drive and Naroo Road connecting Landscape Drive to Bimbadeen Drive, Mooroolbark.***
2. ***Request that Council construct a footpath on Coolaroo Court in Mooroolbark.***

11. DOCUMENTS FOR SIGNING AND SEALING

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

It is requested that the following documents be signed and sealed:

Creation of Easement -Yarra Ranges Shire Council and Roads Corporation (Vic Roads).

Creation of Easement for drainage purposes in favour of Yarra Ranges Council and part of land contained in Certificate of Title Volume 7717 Folio 068 and Volume 8975 Folio 355 and known as 41-47 Mountain View Road Kilsyth.

RECOMMENDATION

That the following listed documents be signed and sealed:

- 1. Creation of Easement -Yarra Ranges Shire Council and Roads Corporation (Vic Roads).***

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. 5 March 2019 - Council Briefing.***
- 2. 5 March 2019 - Council Forum.***
- 3. 1 March 2019 - Rural Advisory Committee Meeting.***
- 4. 23 November 2018 - Rural Advisory Committee Meeting.***

Assembly of Councillors

Public Record



Meeting Name:	Council Briefing		
Date:	5 March 2019	Start Time: 6:08pm	Finish Time: 6:15pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale		
Attendees:	<p>Councillors: Terry Avery, Noel Cliff, Len Cox, Tim Heenan, Fiona McAllister, Tony Stevenson & Mike Clarke</p> <p>CEO/Directors: Tammi Rose, Troy Edwards, Mark Varmalis & James Collins</p> <p>Officers: Sarah Candeland</p>		
Apologies	Cr Jim Child & Cr Richard Higgins		
Declarations of Interest:	Nil		
Matter/s Discussed:	7.1	Cultural Diversity Policy	
	7.2	2019 Progress Report on the Council Plan (July to December 2018)	
	7.3	Yarra Ranges Environmental Advisory Committee (YREAC) Terms of Reference and Selection of Committee Members	
	7.4	Contract No CT5814 Sport, Recreation & Trails Planning Services Consultancy Panel	
Completed By:	Sarah Candeland		

Assembly of Councillors

Public Record



Meeting Name:	Forum		
Date:	5 March 2019	Start Time: 7:05pm	Finish Time: 9:19pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale		
Attendees:	Councillors: Terry Avery, Mike Clarke, Noel Cliff, Len Cox, Tim Heenan, Richard Higgins, Fiona McAllister & Tony Stevenson CEO/Directors: Tammi Rose, Troy Edwards, Mark Varmalis & James Collins Officers: Sarah Candeland, Isha Scott, Cathi Walker, Kellie McPherson, Paul Mechelen, Madeline Cheah, Damien Closs		
Apologies	Cr Jim Child		
Declarations of Interest:	Nil		
Matter/s Discussed:	1.1	Action & Agreement Record - 19 February 2019	
	1.2	Health & Wellbeing Strategy Year 1 report	
	1.3	2020 Grants for Community Round Initiation	
	1.4	Small Grants Program Update	
	1.5	Discussion regarding a tree outside 77 Alpine Way, Kilsyth	
	1.6	Lilydale Quarry	
	2.1	Major Projects Monthly Report end of January 2019	
	2.2	Capital Expenditure Program Monthly Report - January 2019	
	2.3	Indicative Forum & Council Meeting Schedule	
	2.4	Monthly Reports of Outstanding Council Actions	
	2.5	Mayor & CEO Updates	
Completed By:	Sarah Candeland		

Assembly of Councillors

Public Record



Meeting Name:	Rural Advisory Committee		
Date:	01/03/2019	Start Time: 3.45pm	Finish Time: 4.50pm
Venue:	Council Conference room, Anderson Street, Lilydale		
Attendees:	Councillors: Jim Child CEO/Directors: Officers: Helen Ruddell (YRC), Tara Lemmens (YRC), Cathrine Bennett (YRC) Karen Thomas, Dr Mike Blake, Harold Fox and Guest Caroline Evans		
Apologies	Fiona McAllister & Tony Stevenson		
Declarations of Interest:	It was noted Harold Fox was from the timber industry re: matters 1.6		
Matter/s Discussed:	1.1	New Terms of Reference and Membership	
	1.2	Clean fill policy update	
	1.3	Phylloxera and the Yarra Valley	
	1.4	Coldstream recycled Water Pipeline Update	
	1.5	Food Print Melbourne Report: food for thought	
	1.6	Other business: State Government announced holding the timber release plan.	
Completed By:	Tara Lemmens		

Assembly of Councillors

Public Record



Meeting Name:	Yarra Ranges Council Rural Advisory Committee	
Date:	23/11/2018	Start Time: 3pm
		Finish Time: 5pm
Venue:	Conference Room, Anderson Street, Lilydale	
Attendees:	<p>Councillors: Jim Child</p> <p>CEO/Directors: James Collins</p> <p>Officers: Cathrine Bennett (YRC), Donna Fairweather (YRC), Betty Taylor; Karen Thomas; Dr. Mick Blake; Kevin Sanders; Clive Larkman; Robin Wood. Guests: Stephen Riseborough, Rachel Chivers & Julian Guess</p>	
Apologies	Cr. Tony Stevenson, Cr. Fiona McAllister, Helen Ruddell (YRC), Tara Lemmens (YRC), Meridie Jackson, Jim Ripepi, Harold Fox, John Frisina, & Kym Murphy	
Declarations of Interest:		
Matter/s Discussed:	1.1	Presentation of Agritourism by Cherry Hill Orchards, Stephen Riseborough & Rachel Chivers, Marketing
	1.2	Visitation for Code Red days – formal policy
	1.3	Landfill management policies
	1.4	Environmental Upgrade Agreements (EUA)
	1.5	Review of general provision of local laws
Completed By:	Tara Lemmens	

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 were no confidential items listed for this meeting.

15. DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Tuesday 9 April 2019 commencing at 7.00pm, at Memorial Hall, Yarra Glen.



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.