

COUNCIL MEETING

TUESDAY 28 SEPTEMBER 2021

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

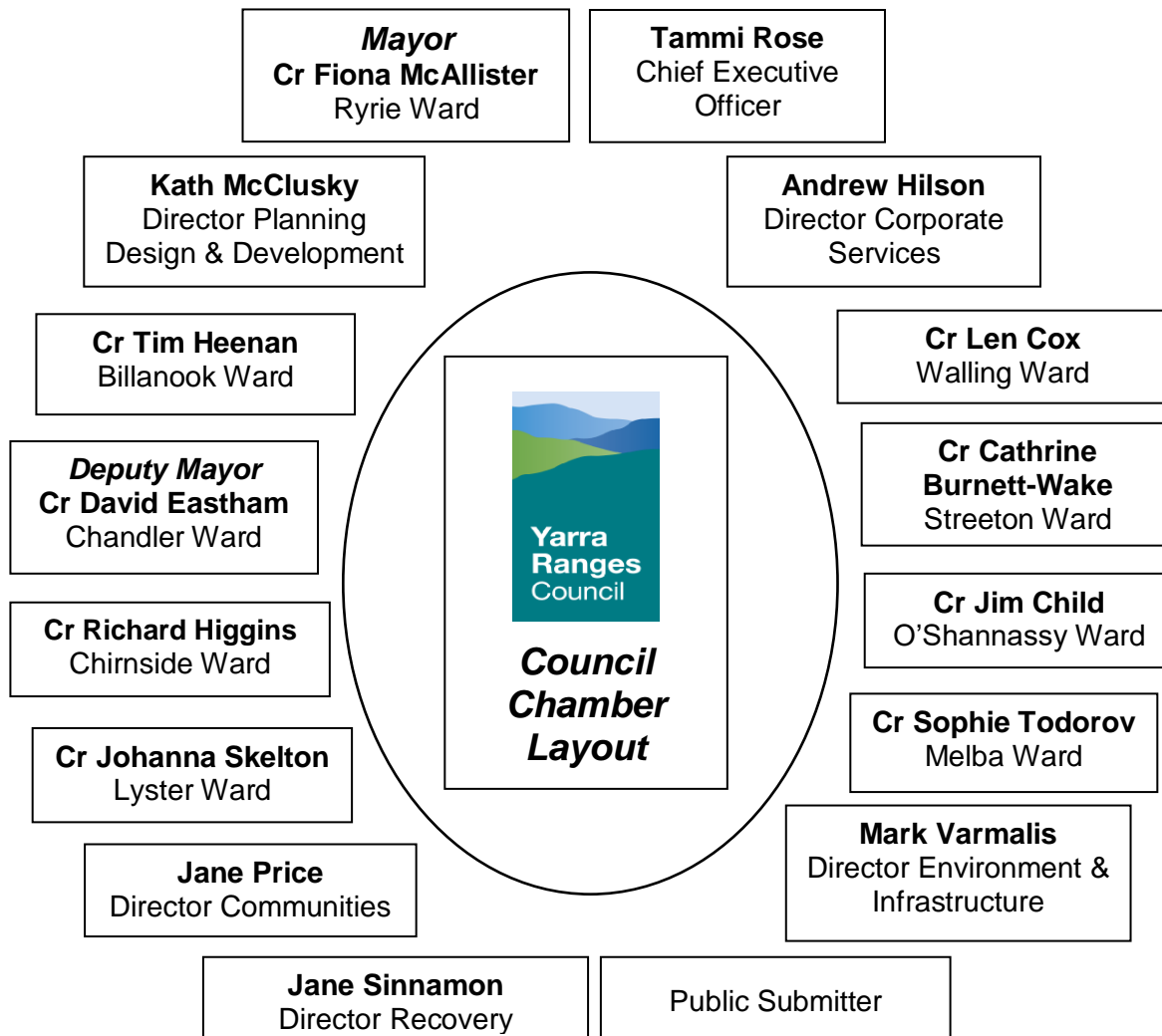
The public is invited to submit questions to the Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before the Council meeting date**. Questions relating to items on the agenda, or which are the same 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 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 Council'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 545TH COUNCIL MEETING TO BE HELD ON TUESDAY 28 SEPTEMBER 2021 COMMENCING AT 7.00PM VIA VIDEOCONFERENCE

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 Council Meeting held 14 September 2021, as circulated, be confirmed.

5. DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with section 130 of the Local Government Act 2020.

6. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Chapter 3 Rules 57 and 59 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Questions to Council received prior to the Agenda being printed.

Healesville CoRE 2021 Annual Report

Mr Jeff Barlow wishes to speak in relation to the Healesville CoRE 2021 Annual Report and the upcoming initiatives of the group.

7. BUSINESS PAPER

CORPORATE SERVICES

No. of Pages – 6

7.1 Audit and Risk Management Committee Biannual Report

RESPONSIBLE OFFICER	Director Corporate Services
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SUMMARY

The Audit and Risk Management Committee (the Committee) has been established by Council under Section 53 of the *Local Government Act 2020* (the Act). It is the responsibility of the Committee to provide Council with independent, objective advice and assurance on the adequacy of management arrangements as set out in the Audit and Risk Management Committee Charter (the Charter).

Section 54(5) of the Act requires that the Committee prepare a biannual report for Council that describes their activities and includes any findings and recommendations.

The following is the biannual report of the Committee for the period ending 30 August 2021.

RECOMMENDATION

That Council notes Yarra Ranges Audit and Risk Management Committee Bi-Annual Report for the period ending 30 August 2021.

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

That Council note the activities of the Audit and Risk Management Committee for the period 30 November 2020 to 30 August 2021.

RELATED COUNCIL DECISIONS

The Audit and Risk Management provided an annual report to Council at its meeting on 27 January 2021.

BACKGROUND

Pursuant to section 54(2) of the Act, the Committee assists the Council and management by providing advice and guidance on the adequacy of initiatives for:

- compliance management;
- governance structure;
- risk management and fraud prevention;
- internal control framework;
- oversight of the internal audit activity, external auditors and other providers of assurance; and
- financial statements, performance and public accountability reporting.

The Charter requires that the Committee has up to five members, including both Councillor (two members) and external independent representatives (three members), with the majority being independent members.

COMMITTEE STRUCTURE AND MEETINGS

In line with the Charter, membership of the Committee during the reporting period has been as follows:

- Ms Bev Excell - Independent Member and Chair. Reappointed Chair at the Council meeting on 13 April 2021 until the end of her term as an independent member expiring 31 May 2023;
- Mr Stephen Schinck – Independent Member currently serving in his final year of his second term which is due to expire on 1 May 2022;
- Mr Simon Mahony – Independent Member. Reappointed Independent Member at the Council meeting on 13 April 2021 for a second term expiring 1 May 2024;
- Cr Richard Higgins – Councillor Member; and
- Cr Fiona McAllister – Councillor Member.

The Committee has met three times in this reporting period on 22 February 2021 and 31 May 2021 and 30 August 2021, with all members in attendance.

BUSINESS OF THE COMMITTEE

Key activities undertaken by the Committee during the reporting period included:

- Committee reviewed management's analysis and self-assessments against VAGO Local Government performance reports, relevant IBAC and Victorian Ombudsman reports and other similar reports tabled to Parliament including:

- Local Government's role in building control (MAV);
- Unauthorised access and disclosure of information held by Local Government (IBAC);
- Sexual Harassment in Local Government (VAGO);
- Maintaining Local Roads (VAGO); and
- Information Technology Procurement (Ombudsman).
- Reviewed and endorsed the Internal Audit Charter;
- Reviewed annual and strategic Internal Audit Plan;
- Reviewed activities associated with internal audits conducted by Council's internal auditors, HLB Mann Judd, which included:
 - Payroll Processing (final report);
 - Effectiveness of In-house Data Analytics Program (final report);
 - Covid Response (in progress);
 - Internal Audit Actions Follow up (in progress);
 - Assurance Mapping (in progress);
 - IT Network Security (Audit scope review);
 - Councillor Expenses (Audit scope review).
- Reviewed Council's updated Risk Management Policy and Fraud Control Policy;
- Reviewed an independent health check of Council's Insurance Program, received an update on the collaborative tender being run with Kingston City Council for insurance broking services and considered the renewal of Council's insurance program on 30 June 2021;
- Reviewed Councillor Expenses;
- Received an update on Council's progress in implementing requirements set out by the Gender Equality Act 2020;
- Received a risk deep dive into Information Management and Climate Resilience;
- Endorsed an approach for the development and implementation of Risk Appetite Statements;
- Reviewed Health & Safety Reports including the outcome of Council's SafetyMap Re-accreditation;

- Reviewed the Local Government Performance Reporting Framework (LGPRF) mid-year and benchmarking report 2019-20;
- Reviewed and made minor amendments to the Committee Charter;
- Reviewed and updated the Committee's Annual Work Plan;
- Reviewed the Gifts, Benefits & Hospitality Register; and
- Reviewed quarterly financial reports for Q2 and Q3 FY21.

The committee is aware that a sector wide extension of time, to 30 November 2021, has been granted from the Minister for the review, endorsement and submission of the Financial and Performance Statements for 2020-2021 to the Minister. Council is currently on track to comply with the new timeframe.

ACTIONS ARISING FROM AUDITS UNDERTAKEN

Actions identified through the audit process are recorded and tracked using Council's CAMMS reporting system and Microsoft Power BI Reporting.

As at 9 November 2020, there were 65 outstanding actions items being reported to the Committee.

As at 30 June 2021, there were 25 outstanding actions items being reported to the Committee. No outstanding action items were rated High risk.

During the period, the Committee received multiple requests to extend implementation dates for recommendations. These requests were largely attributed to resource constraints or prioritisation of other key deliverables including but not limited to COVID-19 response activities. Requests were assessed by the Committee on a risk-based approach and endorsed where deemed appropriate.

COMMITTEE ANNUAL SELF ASSESSMENT RESULTS

As prescribed by the Audit and Risk Management Committee (ARMC) Charter, the annual self-assessment of the Committee's performance.

The overall average committee performance rating showed a slight decrease to 4.4 from 4.6 in 2019/20, however this is still considered strong with the rating of 4 (refer to Attachment 1 for survey result comparison). The committee acknowledged that *"the Committee's work has again been affected by resource constraints and the pandemic"* and that the changes in the *Local Government Act 2020* has impacted on the understanding of the Committees responsibilities e.g. *"There is still more to do to ensure we are fully meeting the new responsibilities under the new Act."*

STRATEGIC LINKS

It is a legal requirement that Council establish an Audit and Risk Management Committee, appoint Independent Committee Members, adopt and maintain an Audit and Risk Management Committee Charter and provide a bi-annual report to Council.

CONSULTATION

Any expenditure associated with the Committee is expected to remain within approved budgets.

FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of this report.

KEY ISSUES

The Act has introduced adjustments to current Committee activities which have been reflected in the Charter and this report.

Environmental Impacts

There are no foreseeable environmental impacts arising from this report.

Social Impacts

The oversight mechanism provided by the Committee serves to provide confidence in Council's practices and supports Council's commitment to good governance, public transparency and accountability to the community.

Economic Impacts

The Committee assists Council by providing advice and guidance on the adequacy of initiatives including financial statements, performance and public accountability reporting.

Risk Assessment

There are no foreseeable risks associated with this report. Council has in place a fully functioning Audit and Risk Management Committee and supporting framework. The establishment of the Committee, the appointment of Independent Committee Members and the adoption of the Charter enables Council to meet its obligations under the Act and provides appropriate controls for Council to manage its Governance risk.

CONCLUSION

The Committee's overall assessment is that Council is continuing to manage its responsibilities regarding risk, financial control and compliance well and that the governance culture of the Council remains robust. Some of the work of the Committee, particularly on the further development of risk management practices, has been affected

by resource constraints and Council's need to address other priorities. The Committee is looking forward to an increased focus in the risk area in the coming period.

I would like to thank the management team for their support in running the Committee and thank my colleagues, both the independent members and the Councillors, for their contribution to a strong Committee.

Bev Excell

Chair, Audit and Risk Management Committee

ATTACHMENTS

There are no attachments to this report.

7.2 Audit And Risk Management Charter

RESPONSIBLE OFFICER Director Corporate Services

SUMMARY

The *Local Government Act 2020* (the Act) requires Council to establish an Audit and Risk Management Committee (the Committee), appoint Independent Committee Members and adopt and maintain an Audit and Risk Management Committee Charter (the Charter).

The Charter previously adopted by Council in August 2020, has been reviewed and updated to further align the Charter with the Act.

RECOMMENDATION

That Council endorse the amended Audit and Risk Management Committee Charter submitted with this report, in accordance with the requirements of section 53 of the Local Government Act 2020.

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

As required by section 54(1) of the Act Council endorsed the updated Charter effective 11 August 2020. Since that time, the Committee has identified some opportunities for further refinement of the document. These opportunities include:

- improving the alignment of responsibilities between the Charter and the Internal Audit Charter, and
- reconsidering the use of the term 'oversight' in the Charter recognising the Committee's role is of an advisory capacity except where there is a legislative mandate.

Amendments have been applied to the updated draft Charter (refer attachment 1).

RELATED COUNCIL DECISIONS

Council endorsed the current Charter at its meeting held on 11 August 2020. The Committee considered changes to the Charter at the February 2021 committee meeting and supported the proposed charter at the May 2021 meeting.

BACKGROUND

Section 54 of the Act requires Council to prepare and approve an Audit and Risk Committee Charter. The Charter must specify the functions and responsibilities of the Committee including the following:

- a) monitor the compliance of Council policies and procedures with;
 - (i) the overarching governance principles; and
 - (ii) the Act and the regulations and any Ministerial directions;
- (b) monitor Council financial and performance reporting;
- (c) monitor and provide advice on risk management and fraud prevention systems and controls; and
- (d) oversee internal and external audit functions.

Council's existing Charter is comprehensive and while complying with the above requirements, the Committee has enhanced the alignment of responsibilities between the Charter and the Internal Audit Charter and reconsidered the use of the term 'oversight' in the Charter, recognising the Committee's role is of an advisory capacity except where there is a legislative mandate (see above).

STRATEGIC LINKS

It is a legal requirement that Council adopt, maintain and where required amend the Charter. The Charter demonstrates the Committee's compliance with the requirements of the Act and guides the Committee's activities to ensure it can deliver independent advice and guidance regarding the adequacy and effectiveness of Council's assurance practices.

CONSULTATION

While there has been no community consultation undertaken in respect of this report or the Charter, the Committee members have reviewed and support the adoption of the Charter appended to this report.

FINANCIAL IMPLICATIONS

There are no foreseeable financial impacts as a result of the amendments made to the Charter and that any such expenditure should remain within approved budgets.

KEY ISSUES

The amended Charter further aligns the responsibilities of the Committee with the Internal Audit Charter.

Environmental Impacts

It is considered that there are no foreseeable environmental impacts as a result of the amendments made to the Charter.

Social Impacts

The oversight mechanism provided by the Committee serves to provide confidence in Council's practices and supports Council's commitment to good governance, public transparency and accountability to the community.

Economic Impacts

It is considered that there are no foreseeable economic impacts as a result of the amendments made to the Charter.

Risk Assessment

There are no foreseeable risks associated with the recommendations in this report. Council has in place a fully functioning Committee and supporting framework. The amendments further align the Charter and the Internal Audit Charter.

CONCLUSION

Council is requested to endorse the amended Charter. The amendments further align responsibilities between the Charter and the Internal Audit Charter and reconsider the use of the term 'oversight' in the Charter, recognising the Committee's role is of an advisory capacity only.

ATTACHMENTS

- 1 ARMC Charter September 2021 [↓](#)

Audit and Risk Management Committee Charter



Yarra Ranges Council Audit and Risk Management Committee Charter

September 2021



Audit and Risk Management Committee Charter

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Audit and Risk Management Committee Charter

1. Preface

Section 53 (1) of the Local Government Act 2020 (the Act) states that “a Council must establish an Audit and Risk Committee”. Section 54 (1) of the Act states “a Council must prepare and approve an Audit and Risk Committee Charter.”

This Charter has been developed in response to the Act requirements, with reference to “*Audit Committees - A Guide to Good Practice for Local Government*” issued by Local Government Victoria in January 2011.

The Governance Rules to be adopted and kept in force by Council under section 60 of the Act do not apply to the Audit Committee until Council resolves, or the Audit and Risk Management Committee with the approval of Council resolves, otherwise.

2. Introduction

Yarra Ranges Council is committed to good governance, public transparency and accountability to the Yarra Ranges community. The Audit and Risk Management Committee (Audit Committee) plays an important role in providing an independent view of Yarra Ranges Council's governance, risk management, financial management and internal control practices, and driving continuous improvement, and serves to provide confidence in the integrity of these practices. The Audit Committee performs its role by providing independent assurance to Council, in overseeing internal and external audit functions¹.

3. Background

The Audit Committee's previous Charter was reviewed and endorsed by Council on 25 July 2017. This Charter has been developed in accordance with the Section 54(7) of the Act, which states: *A Council must approve the first Audit and Risk Committee Charter and establish the first Audit and Risk Committee on or before 1 September 2020.*

4. Purpose

Pursuant to section 53(2) of the Act, the Committee is not a delegated committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility. Pursuant to section 54(2) of the Act, the Audit Committee assists the Council and management by providing advice and guidance on the adequacy of initiatives for:

- compliance management
- governance structure
- risk management and fraud prevention
- internal control framework
- internal audit activity, external auditors and other providers of assurance, and
- financial statements, performance and public accountability reporting.

In broad terms, the Audit Committee reviews each of the items noted above and provides the Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

¹ Section 54(2)(d) of the Local Government Act 2020

Audit and Risk Management Committee Charter

5. Mandate

The Audit Committee has been established by Council under Section 53.1 of the Local Government Act 2020 (and previously Section 139 of the Local Government Act 1989).

6. Authority

The Audit Committee Charter sets out the authority of the Audit Committee to carry out the responsibilities established for it by the Council.

In fulfilling its role, the Audit Committee may request:

- Any explanatory information that it deems necessary to discharge its responsibilities unless that information is protected due to legal or confidentiality reasons. In discharging its responsibilities, the Audit Committee will be supported by the Director Corporate Services (or their delegate), who will facilitate provision of relevant information, records data and reports as the Audit Committee requests.
- Engagement of counsel or other advisors it deems necessary to carry out its duties.
- Attendance of any official, including Councillors and Council Officers, at Audit Committee meetings.

The Audit Committee is empowered to:

- Recommend to Council the appointment of and oversee all audit and non-audit services performed by the internal audit contractor. The annual financial audit is undertaken by the Auditor-General Victoria or their appointed contractor.
- Resolve any disagreements between management and the internal auditor or external auditor regarding internal audit recommendations, financial reporting, and other matters.
- Endorse all internal auditing services performed by the internal audit contractor.
- Preapprove all internal auditing services performed by the internal audit contractor.

The Audit Committee, through the Independent Committee Members, will assist (as required) the Director Corporate Services in the assessment of tenders for the internal audit contract.

The Audit Committee will be provided with a recommendation report in relation to the tender process, which after formal acceptance, will be provided to the Council.

The Audit Committee recognises that the primary responsibility for management of Council's operations is controlled by the Chief Executive Officer (CEO) and the Audit Committee is an advisory committee to Council.

7. Composition of the Audit Committee²

The Audit Committee will be comprised of up to five members, with the majority being independent members as follows:

- two Councillors, and
- three independent members.

² Section 53(3) of the Local Government Act 2020: An Audit and Risk Committee must— (a) include members who are Councillors of the Council; and (b) consist of a majority of members who are not Councillors of the Council

Audit and Risk Management Committee Charter

The Mayor may appoint an additional alternate Councillor member, preferably being the preceding mayor, who may attend and act on behalf of the nominated Councillor Representative in order to achieve a quorum of members present.

The collective of independent members will have expertise in financial management and risk³, and experience in public sector management⁴, while the Audit Committee as a whole will collectively possess sufficient knowledge of audit, specific industry knowledge, IT, law, governance, and control to undertake its role under this Charter. The Act precludes any person who is a member of staff of the Council⁵ from being a Member of the Audit Committee.

As the responsibilities of the Audit Committee evolve in response to regulatory, economic, and reporting developments, members' competencies will be periodically reevaluated to ensure the overall balance of skills on the Audit Committee remains appropriate to respond to Council's needs. This will occur in line with the annual Audit Committee performance assessment.

8. Chair of the Audit Committee

The Chair of the Audit Committee must be an independent member of the Audit Committee and be appointed by Council.⁶ The whole Audit Committee may recommend appointment or reappointment of the Chair to the Council subject to a satisfactory performance review of the Audit Committee. The Chair will be appointed for a term of up to three years.

In the absence of the Chairperson from the meeting, the members present at the meeting will appoint another independent member as Acting Chairperson for that meeting.

9. Terms of Office

9.1 Councillors

Councillor Committee Members will be appointed annually by the Council in line with the allocation of other Councillor delegated responsibilities.

9.2 Independent Committee Members

The Audit Committee, through the Independent Committee Members, will assist (as required) the Director Corporate Services in the recruitment process for new Independent Committee Members. Following selection through the recruitment process and completion of appropriate due diligence checks, an Independent Committee Member will be appointed for an initial term of up to three years. At the end of this term, and after a performance review, an Independent Committee Member may be reappointed for a further term without the need for another formal application. The maximum term of an independent Committee Member is three terms or nine years (whichever is the lesser).

The terms of each Independent Committee Member will be arranged so that there is an orderly rotation of membership and avoidance (where possible) of more than two members ceasing at the same time.

³ Section 53(3)(b)(i) of the Local Government Act 2020

⁴ Section 53(3)(b)(ii) of the Local Government Act 2020

⁵ Section 53(3)(c) of the Local Government Act 2020

⁶ Section 53(4) of the Local Government Act 2020: A chairperson of an Audit and Risk Committee must not be a Councillor of the Council.

Audit and Risk Management Committee Charter

10. Quorum

A quorum of any meeting will be at least two independent members and at least one Councillor.

11. Operational Principles

11.1 Audit Committee Values

The Audit Committee will conduct itself in accordance with Council's Values, the Councillor Code of Conduct, the ethics of the Council, and in accordance with the Act. The Audit Committee expects that management and staff will adhere to these requirements.

11.2 Conflict of Interest, Misuse of Position and Confidential Information

Section 123 (misuse of position), section 125 (confidential information) and Division 2 of Part 6 (conflict of interest) of the Act apply to a member of the Audit Committee who is not a Councillor as if the member were a member of a delegated committee.⁷

All Audit Committee members are expected to be aware of these provisions of the Act. Failure to comply with the provisions of the Act may result in the member's appointment being terminated.

Conflict of Interest

Audit Committee members must disclose any conflicts of interest to the Chair of the Audit Committee. Where the conflict is related to the Chair of the Audit Committee it must be disclosed to the Mayor, or in the absence of the Mayor, the Councillor Representative.

Once a conflict of interest is identified, the member of the Audit Committee must:

1. Disclose the conflict of interest at the commencement of the meeting at which the matter is being considered, including the:
 - a) Type of interest and class; and
 - b) The nature of the interest.
2. Notify the Chair that they are leaving the meeting for the hearing of this matter.
3. Leave the room and vicinity while the matter is being considered and await the Chair's direction to return.
4. Notify the Chair prior to the meeting if they are not going to be present at the meeting.

If details are private in nature, then the nature of the interest can be declared to the Chair in writing prior to the meeting and the disclosure will simply be the type of interest and class. Disclosure of conflicts of interest must be minuted.

Independent Committee Members of the Audit Committee will be required to sign an Initial 'Personal Interests Return Form' upon commencement of their term, and a Biannual 'Personal Interests Return Form' as required under the Act.

Misuse of Position

Audit Committee members must not intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or cause, or attempt to cause, determinant to Council or another person.

⁷ Sections 53(5) of the Local Government Act 2020

Audit and Risk Management Committee Charter

Confidential Information

Audit Committee members must not intentionally or recklessly disclose information that they know, or should reasonably know, is confidential information.

Independent Committee Members of the Audit Committee will be required to sign a Confidentiality Agreement upon commencement of their term.

11.3 Communications

The Audit Committee expects that all communication with management and staff of the organisation as well as with any external assurance providers will be direct, open, and complete.

11.4 Work Plan⁸

The Audit Committee will endorse an annual work plan to ensure that the responsibilities of the Audit Committee are scheduled and will be carried out.

11.5 Meeting Agenda

Agendas for Audit Committee Meetings will be developed in consultation with and approved by the Chair. Agendas and supporting documentation will be circulated to members of the Audit Committee a minimum of one week in advance of each meeting. Late items must be agreed by the Chair.

11.6 Information Requirements

The Audit Committee will establish and communicate its requirements for information, which will include the nature, extent, and timing of information. Information that is scheduled on an agenda will be provided to the Audit Committee a minimum of one week prior to each meeting. Information that is sought at an Audit Committee meeting will be provided at the next meeting unless otherwise agreed.

11.7 Preparation and Attendance

Audit Committee members are obligated to prepare for and participate in meetings. Participation can be in person, via teleconference or video conference. Members are expected to:

- Apply good analytical skills, objectivity and sound judgement.
- Express opinions frankly, ask probing questions and pursue further follow up where appropriate.
- Treat all attendees with an appropriate level of respect and professional courtesy.

11.8 Induction and Training

Audit Committee members will receive formal induction training on the purpose and mandate of the Audit Committee and on the organisation's objectives. A process of continuing education will be established as required.

⁸ Section 54(3) of the Local Government Act 2020

Audit and Risk Management Committee Charter

12. Operational Procedures

12.1 Meetings

Meetings will generally be held five times per annum, and no less than four times, with one meeting (generally August) being allocated to consider and endorse (if appropriate) Council's annual financial and performance statements. Timing of meetings will be set to ensure that the Audit Committee can properly discharge its responsibilities pursuant to this Charter. Members of the Audit Committee are expected to attend every meeting of the Audit Committee, however, should unavoidable circumstances arise, members must notify the Chair of their absence.

Due to the nature of the work of the Audit Committee and the potential sensitivity of the material being considered, meetings are closed to the public.

Upon written request from an Audit Committee member, the CEO or the external or internal auditors, the Chair may convene a special meeting of the Audit Committee within fourteen calendar days of the Chair receiving a written request.

Where a matter is required to be dealt with by the Audit Committee between meetings, it will be undertaken by circulating resolution. A report outlining the matter and a request to vote on the item will be sent by Council's management via email, with the outcome of the vote endorsed at the next Audit Committee meeting.

12.2 Minutes

Minutes of all Audit Committee meetings will be prepared and provided in draft form within two weeks following each meeting. The Audit Committee members will endorse the minutes within two weeks of receipt. Once agreed, the draft minutes will be provided to Councillors in a report summarising the meeting content. Minutes will remain draft until they are approved at the next Audit Committee meeting.

The minutes will include a record of current and outstanding actions required to be undertaken from previous Audit Committee meetings.

12.3 Required Attendance

The CEO, Director Corporate Services, Manager Financial Services or their nominated representatives are required to attend every meeting. Officers who have authored reports may be required to attend to speak to their reports but are not required to attend the whole meeting. At the discretion of the Audit Committee, other Councillors or Council Officers may be invited to attend meetings to provide advice and information when required. Attendance can be in person, via teleconference or video conference.

Internal and external audit representatives will be required to attend every meeting unless requested not to do so by the Chair. The Audit Committee will meet in camera (separately from management) with both the internal and external auditors at least once a year.

12.4 Secretariat Services

Secretariat and administrative support will be provided to the Audit Committee by a member(s) of Council's management team.

Audit and Risk Management Committee Charter

12.5 Remuneration of Committee Audit Members

Councillor Committee members are not remunerated for their role on the Audit Committee.

Remuneration will be paid to each Independent Committee Member⁹. The Council sets the remuneration by resolution at a formal Council Meeting. Set fees per meeting apply for each Independent Committee Member and the Chair, which will be indexed in alignment with the rate cap % each 1 July. Payment will be made each quarter following receipt of a Tax Invoice after each meeting. Remuneration will be reviewed at the appointment of a new Independent Member.

12.6 Responsibilities

It is the responsibility of the Audit Committee to provide Council with independent, objective advice and assurance on the adequacy of management's arrangements with respect to the following aspects of the management of the organisation:

Financial and Performance Reporting

The Audit Committee will¹⁰:

- Obtain assurance that Council has appropriate systems and procedures in place for collecting and analysing information and data for the purposes of measuring the performance of individual programs and activities (as identified in the Council Plan).
- Review the process for the management and governance of the use of data, information and knowledge.
- Review any changes to Council's accounting policies and procedures and the methods of applying them, with the input of management, external and internal auditors, ensuring that they are in accordance with the stated financial reporting framework.
- Assess significant estimates and judgements in financial reports by asking management about the processes used, and then asking management and external auditors for the basis of their conclusions.
- Review management's processes for ensuring and monitoring compliance with legislation and other requirements on the external reporting by the Council of financial and non-financial information, performance reporting under the Act, and other relevant legislation.
- Review the appropriateness of accounting policies and disclosures to present a true and fair view.
- Assess whether a comprehensive process has been established for the purposes of legislative disclosure reporting requirements.
- Assess information from internal and external auditors that affects the quality of financial reports. For example, actual and potential material audit adjustments, financial report disclosures, non-compliance with legislation and regulations, internal control issues.
- Seek the external auditor for an independent opinion on management's:
 - technical compliance with accounting standards,
 - proper application of the accounting principles, and
 - clarity in financial disclosure practices as used or proposed in the financial report of the Council.
- Review the quarterly financial report provided to Council and monitor the financial performance and sustainability of Council.

⁹ Section 53(6) of the Local Government Act 2020: A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council.

¹⁰ Section 54(2)(b) of the Local Government Act 2020

Audit and Risk Management Committee Charter

- Recommend to the Council whether the financial report including the performance statement should be approved based on the Committee's assessment of them.
- Review best practice recommendations contained in Victorian Auditor General's performance audits and ensure Council is compliant.

Organisational Governance

To obtain reasonable assurance with respect to governance process, the Audit Committee will:

- Review and provide advice on the governance process established and maintained within the organisation and the procedures in place to ensure that they are operating as intended.
- Monitor compliance of policies and procedures with the overarching governance principles, the Act, relevant regulations and any Ministerial directions¹¹.

Risk Management

To obtain reasonable assurance with respect to risk management practices, the Audit Committee will:

- Review significant strategic and operational risk exposures and control issues, including fraud and corruption risks, governance issues, and other matters needed or requested by senior management and the Council.
- Review and provide advice on the risk management processes established and maintained by management and the procedures in place to ensure that they are operating as intended.
- Annually review the risk profile.
- Obtain an annual report on management's implementation and maintenance of an appropriate enterprise wide risk management process.
- Review the adequacy of the combined assurance being provided.

Fraud and corruption

To obtain reasonable assurance with respect to procedures for the prevention and detection of fraud, and corruption the Audit Committee will:

- Review management's arrangements for the prevention, detection and deterrence of fraud and corruption.
- Ensure that appropriate action is taken against known perpetrators of fraud.
- Challenge management and internal and external auditors to ensure that appropriate anti-fraud and corruption programs and controls are in place to identify potential fraud and ensure that investigations are undertaken if fraud is detected.

Control

To obtain reasonable assurance with respect to the adequacy and effectiveness of controls in responding to risks within the governance, operations and information systems, the Audit Committee will:

- Consider the effectiveness of the control framework, including risk management, fraud prevention¹², and information technology security and control.
- Review and provide advice on the control of the organisation as a whole and its individual units.

¹¹ Section 54(2)(a)(i) and (ii) of the Local Government Act 2020

¹² Section 54(2)(c) of the Local Government Act 2020

Audit and Risk Management Committee Charter

- Receive reports on all matters of significance arising from work performed by other providers of financial and internal control assurance (e.g. IBAC, Office of the Victorian Ombudsman) and VAGO reports as appropriate to senior management and the Council, and where required, monitor implementation of control strengthening measures.

Compliance Management

To obtain reasonable assurance with respect to the organisation's values and ethics practices, the Audit Committee will:

- Review and assess the policies, procedures, and practices established to monitor conformance with the code of conduct and ethical policies by all managers and staff.
- Assess the mechanisms established by management to establish and maintain high ethical standards for all managers and staff.
- Review and provide advice on the systems and practices established by management to monitor compliance with laws, regulations, policies, and standards of ethical conduct and identify and deal with any legal or ethical violations.
- Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow up (including disciplinary action) of any instances of non-compliance.
- Review the observations and conclusions of internal and external auditors and the findings of any regulatory agencies.
- Review the process for communicating the code of conduct to staff and for monitoring compliance.
- Obtain regular updates from management regarding compliance matters.

Responsibilities of the Audit Committee may be revised or expanded in consultation with, or as requested by the CEO and Council.

12.7 Charter Review

This Charter will be formally reviewed by the Audit Committee every four years, in line with Council elections, and endorsed by the incoming Council within six months of the election. An interim review will occur every two years in line with the annual Audit Committee performance assessment.

Subject to the nature of the changes identified, approval will be as follows:

- Material changes including legislative changes - The Audit Committee will provide a report to Council recommending that the Council approve an updated Charter. Only Council can approve significant changes to the Charter at a formal Council Meeting.
- Administrative or insignificant changes as determined by the Audit Committee – The CEO may authorise these changes.

13. Internal Audit Activity and Other Assurance Providers

13.1 Internal Audit Activity

To obtain reasonable assurance with respect to work of the internal audit function, the Audit Committee will review:

Audit and Risk Management Committee Charter

Internal Audit Charter and Resources

- Review and endorse the Internal Audit Charter within six months of the Audit Committee Charter being endorsed by Council to ensure that it accurately reflects the Audit Committee's purpose, authority, and responsibility.
- Monitor processes and practices to ensure that independence of the internal audit function is maintained.

Internal Audit Strategy and Plan

- Review and provide input on the internal audit activity's strategic plan, objectives, performance measures, and outcomes.
- Review and endorse proposed risk-based internal audits and make recommendations concerning internal audit projects.
- Review and endorse scope documents prior to the commencement of a review.
- Review and (if appropriate) endorse changes to the internal audit plan as proposed by management.
- On an annual basis, review and endorse the internal audit plan and engagement work program, including reviewing internal audit resources necessary to achieve the plan, and recommend to Council for approval.
- Review the internal audit activity's performance relative to its audit plan.

Internal Audit Engagement and Follow Up

- Review internal audit reports and other communications to management.
- Where necessary, facilitate conversations between Internal Audit and management to resolve any recommendation or finding disagreements.
- Review and track management's action plans to address the results of internal audit engagements.
- Review and advise management on the results of any special investigations.
- Make suggestions/recommendations to the CEO for them to engage Internal Audit for special reviews or other services.
- Inquire of the CEO whether any internal audit engagements or non-audit engagements have been completed but not reported to the Audit Committee; if so, enquire whether any matters of significance arose from such work.
- Enquire of the CEO whether any evidence of fraud has been identified during internal audit engagements and evaluate what additional actions, if any, should be taken.
- Have in camera meetings with internal auditors to discuss sensitive matters (if required).

13.2 External Auditors

To obtain reasonable assurance with respect to work of the external assurance providers, the Audit Committee will meet with the external assurance providers during the planning phase of the engagement, the presentation of the audited financial statements, and the discussion of the results of engagements and recommendations for management.

The Audit Committee will:

- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with the internal audit activity.
- Have in camera meetings with external auditors to discuss sensitive matters (if required).
- Monitor management's progress on action plans.

Audit and Risk Management Committee Charter

To obtain reasonable assurance that management has acted on the results and recommendations of internal and external audit engagements, the Audit Committee will regularly review reports on the progress of implementing approved management actions plans and audit recommendations resulting from completed audit engagements, internal and external.

14. Other Responsibilities

The Audit Committee will:

- Perform other activities related to this Charter as requested by the Council.
- Institute and oversee special investigations as needed.
- On an annual basis undertake an assessment of its performance against the Charter and provide a copy of the annual assessment to the CEO for tabling at the next Council Meeting¹³.

15. Reporting on Audit Committee Performance

The Audit Committee will prepare a report every six months that describes their activities. The report will include:

- A summary of the work the Audit Committee performed to fully discharge its responsibilities.
- A summary of management's progress in addressing the results of internal and external audit engagement reports.
- An overall assessment of management's risks, controls, and compliance processes, including details of any significant emerging risks or legislative changes impacting the organisation.
- Details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.
- Provide information required, if any, by new or emerging corporate governance developments.

A copy of the report will be provided to the CEO for tabling at the next Council Meeting¹⁴. The Audit Committee may report to the Council at any time regarding any other relevant matter it deems of sufficient importance.

¹³ Section 54(4)(a) and (b) of the Local Government Act 2020

¹⁴ Section 54(5)(a) and (b) of the Local Government Act 2020

ENVIRONMENT AND INFRASTRUCTURE

No. of Pages – 4

7.3 Tree matter outside 2 Milgate Court, Mooroolbark

RESPONSIBLE OFFICER Director Environment & Infrastructure

SUMMARY

Council has received a request from a resident from Milgate Court, Mooroolbark to remove a Council tree.

The tree is a native specimen and details are in the attached Arborist Assessment Report. The arborist assessment recommends no actions for the tree. The tree has high amenity value and is in good to fair condition.

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

Council has no recorded Public Liability claims for this tree adjacent to this property.

Correspondence has been sent out to neighbouring residents stating that Council is considering a request to remove the tree and is seeking comment.

The roadside reserve is in a Neighbourhood Residential Zone (NRZ1) and is also subject to Significant Landscape Overlay 23 (SLO23). The tree will require a planning permit if removal is recommended.

It is considered that the tree is not dangerous and has high amenity value. It is therefore recommended that the tree be retained.

RECOMMENDATION

That Council

1. ***Considers that the tree outside 2 Milgate Court, Mooroolbark should be retained.***
2. ***The landowner of 2 Milgate Court, Mooroolbark be advised that Council does not support removal of the tree.***

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

That Council retains the tree within the road reserve outside 2 Milgate Court, Mooroolbark, and that the landowner be advised that Council does not support removal of the tree.

RELATED COUNCIL DECISIONS

No previous Council decisions relate to this matter.

BACKGROUND

Council has received a request from a resident from Milgate Court, Mooroolbark to remove a Council tree.

The tree is a native specimen and details are in the attached Arborist Assessment Report. The arborist assessment recommends no actions for the tree. The tree has high amenity value and is in good to fair condition.

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

Council has no recorded Public Liability claims for this tree adjacent to this property.

Correspondence has been sent out to neighbouring residents stating that Council is considering a request to remove the tree and is seeking comment.

The roadside reserve is in a Neighbourhood Residential Zone (NRZ1) and is also subject to Significant Landscape Overlay 23 (SLO23). The tree will require a planning permit if removal is recommended.

The resident wants the tree removed for the following reasons:

My request is not because the tree is unhealthy, it is the opposite. This tree in question, as I described in my request, represents high risk of injury and causing great discomfort for us. This tree is continuously producing huge quantity, extremely hard, large nuts which make lawn mowing very difficult and dangerous. These nuts are propelled out from the mower at great speed causing injuries and damage to parked cars and equipment.

STRATEGIC LINKS

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

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

CONSULTATION

Correspondence has been sent out to neighbouring residents stating that Council is considering a request to remove the tree and is seeking comment. Five replies were received. All were in favour or did not mind if the tree was removed. Four said they would like the tree replaced if it was removed.

FINANCIAL IMPLICATIONS

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

KEY ISSUES

The resident is concerned about the "nuts" (fruit) from the tree projecting like missiles when mowing. While this is a risk, some residents rake up before mowing which could address this issue. Council's Tree Team has never previously removed a tree for this reason.

Given the above, it is considered that there are two options for consideration:

1. Retain the tree; or
2. Remove the tree, replace it and replant the whole street.

Option 1 is the preferred option as it is consistent with Council's Tree Policy of retaining trees where possible.

Option 2 offers the chance to improve the amenity of the whole street. However, Council's planting program is subject to available budget and priority. Currently staff are prioritising streets that are main pedestrian routes and require shade. Streets are prioritised based upon use so that the improved amenity is available to the maximum number of residents. Milgate Court does not meet these requirements and is currently prioritised lower compared to other streets. Option 1 - to retain the tree is therefore preferred.

Environmental Impacts

Trees are capable of storing atmospheric carbon as biomass. Trees are composed largely of carbon and continue to take in carbon as they grow. By fixing carbon during photosynthesis and storing it as biomass, growing trees act as a sink for CO₂. The carbon that is removed from the atmosphere by trees contributes to a more stable climate.

Trees can play an important role in reducing the urban heat island effect. Leafy tree canopies cool their surroundings by shading hard surfaces and transpiring. Scientific studies conducted in inner Melbourne have demonstrated that street trees can reduce daytime summer air temperatures by between 1.5°C and 4°C.

Trees provide valuable habitat and food source for indigenous fauna. While the subject tree does not have hollows, the hard fruits do provide a food source for birds, especially cockatoos.

Social Impacts

It is generally accepted that well treed streets can have an increase on local amenity and appreciation of neighbourhood character.

Economic Impacts

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

Risk Assessment

Council's Risk Management Team has checked all claims records and cannot locate any claim for this particular tree or from the resident.

CONCLUSION

Following an assessment of the tree at 2 Milgate Court, Mooroolbark by Council's arborist, it is considered that the tree is not dangerous and has high amenity value. It is therefore recommended that the tree be retained.

However, given that the street is not well treed, if the tree was approved for removal it would create an opportunity to replant the street, either this year or next year.

ATTACHMENTS

- 1 Arborist report 2 Milgate Court [↓](#)

**TREE INSPECTION REPORT**

Report number: 949239	Site address of tree: 2 Milgate Court, Mooroolbark	
Date of inspection: 25/09/2020	Melway: 37 K8	
Name: [REDACTED]	Address: 2 Milgate Court, Mooroolbark	Phone: None
Recommended action: No works		
Reasons for recommended action: <p>The tree is a typical Forest She Oak of medium size and likely to be ~20-30 years old. The trunk is sound at the base quickly becoming multistemmed and then becoming multibranching. The unions are all tight; however, this is commonplace and not usually a cause for failure. Foliage density is typical.</p> <p>At the site visit, there were very few 'cones' on the verge. These are generally small and should be raked before mowing. Wearing protective pants may also help. The branchlets getting into car parts sounds like an automotive maintenance issue, not the tree. It is unlikely that the tree is impacting the hydrant.</p> <p>Given the location is in Mooroolbark, there is unlikely to be any significant fire risk.</p>		
Risk & works priority: Low		Site conditions & equipment required:

Map:

ATTACHMENT 1. Arborist report 2 Milgate Court

Age: Mature		Common name: Forest She Oak		Botanical name: <i>Allocasuarina torulosa</i>	
Tree No. 1	Height (m) 10	Spread (m) 6		DBH (mm) 420	
Roots condition: Not observed			Trunk condition: Fair, typical of species		
Limbs condition: Good			Foliage condition: Good		
Amenity value: High			Habitat: <i>Part of habitat corridor:</i> No <i>Hollow bearing:</i> No <i>Native Fauna Use:</i> No		
Distance to building (m): ~ 12		Do branches overhang buildings? No		Targets Footpath, road	
Company: Ryder Consulting		Name: [REDACTED]		Date report written up: 25/09/2020	

ATTACHMENT 1. Arborist report 2 Milgate Court

Photo 1



Tree 1

Photo 2



Tree 1, surrounds, relatively few cones, these could be raked

7.4 2021/22 Capital Development Grants Program

RESPONSIBLE OFFICER Director Environment & Infrastructure

SUMMARY

This report outlines the outcome of the 2021/22 Capital Development Grant Program (the 2021/22 Program).

RECOMMENDATION

That

1. ***Council endorse the proposed successful funding applications of the 2021/22 Capital Development Grant Program to award the following grant amounts:***
 - (a) ***\$4,909 to the Yarra Glen Bowls Club.***
 - (b) ***\$30,000 to the Silvan Football Club.***
 - (c) ***\$1,794 to the Lilydale Croquet Club.***
 - (d) ***\$14,000 to the Olinda Ferny Creek Junior Football Club***
 - (e) ***\$8,250 to the Mount Evelyn Netball Club***
 - (f) ***\$2,500 to the Upwey Tecoma Cricket Club***
 - (g) ***\$4,782 to the Doongala Adult Riders Club***
 - (h) ***\$12,850 to the Yarra Junction Bowling Club***
 - (i) ***\$6,500 to the Seville Pony Club***
 - (j) ***\$30,000 to the Woori Yallock Community & Sports Club Inc.***
 - (k) ***\$30,000 to the Upwey South Tennis Club***
 - (l) ***\$3,218.75 to the Yarra Junction Cricket Club***
 - (m) ***\$11,500 to the Lilydale and District Model Flying Association***
2. ***Funding agreements be established with each grant recipient for the delivery of their initiative.***

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

The 2021/22 Program will see a total of \$160,304 awarded to thirteen (13) successful applicants.

Summary of *recommended applications and funds awarded*:

1. \$4,909 – Yarra Glen Bowls Club: Storage sheds for bowls and maintenance equipment (Total project value \$9,818).
2. \$30,000 – Silvan Football Club: New electronic scoreboard (Total project value \$60,000).
3. \$1,794 – Lilydale Croquet Club: Croquet court upgrade (Total project value \$3,588).
4. \$14,000 – Olinda Ferny Creek JFC: Behind goal netting (Total project value \$28,000).
5. \$8,250 – Mt Evelyn Netball Club: Upgrade to Netball Clubrooms (Total project value \$16,500).
6. \$2,500 – Upwey Tecoma Cricket Club: New synthetic pitch (Total project value \$5,000).
7. \$4,782 – Doongala Adult Riders Club: Security and audio upgrade (Total project value \$9,564).
8. \$12,850 – Yarra Junction Bowling Club: Rabbit proof fencing (Total project value \$25,700).
9. \$6,500 – Seville Pony Club: Pony/horse wash bay (Total project value \$13,000).
10. \$30,000 – Woori Yallock Community & Sports Club Inc.: Coaches box and storage shed installation (Total project value \$68,478).
11. \$30,000 – Upwey South Tennis Club: Ambient upgrade (Total project value \$62,000).
12. \$3,218.75 – Yarra Junction Cricket Club: New carpet for clubrooms (Total project value \$7,218.75).
13. \$11,500 – Lilydale & District Model Flying Association: Rabbit proof fencing (Total project value \$23,000).

Subject to a decision of Council, all applicants will be notified of the outcome via email and phone call.

The Recreation & Active Living team will:

- work through a process with each successful applicant to finalise a formal funding agreement; and
- support the applicants in the delivery of their projects.

RELATED COUNCIL DECISIONS

Council Meeting 15 December 2020 – Council resolved to provide \$166,625 as part of the 2020/21 Capital Development Grants Program to thirteen successful clubs and associations for improvements to their facilities.

Council Forum 7 September 2021 – Councillors briefed on the submissions received to the current grant program and proposed recommended allocations.

BACKGROUND

The purpose of the Capital Development Grants Program is to support the local community, to carry out projects that will improve and benefit not only sport and recreation organisations, but also the wider community.

The Capital Development Grants Program Funding Guidelines advise that:

- Grants are up to \$30,000;
- Club contributions will constitute a minimum 50% of the total project cost (In-kind contributions will be accepted based on valid quotations);
- Total project cost can be no more than \$80,000 - which would consist of \$30,000 from Council and \$50,000 from the sport and active recreation organisation;
- Funding is provided as a one-off grant for a capital improvement to buildings, facilities or land managed/maintained by Yarra Ranges Council under a lease/licence or annual/seasonal tenancy; and
- Only one application per organisation will be accepted.

The applications proposed to be funded have been assessed as having demonstrated an ability to achieve significant outcomes in the four criteria (weightings apply) outlined in the 2021/22 Program – Funding Guidelines, as follows:

- Clear evidence of demand for the project and the ongoing benefits to community participation (40%);
- The degree to which the organisation has provided the required project documentation and can demonstrate the ability to deliver the project (30%);
- Demonstrated increased opportunities for female participation and/or disadvantaged groups (25%);
- Sustainability elements incorporated in design, materials or outcomes (5%).

STRATEGIC LINKS

Council's Vision 2020 provides Council with a framework to guide decisions and actions to meet community aspirations and ensure a healthy and sustainable future. Themes under this framework that relate to this proposal include:

- Strong, healthy and connected communities; and
- A safe and accessible municipality.

The Health and Wellbeing Strategy 2017-2021 is an overarching Council strategy that sits alongside the Municipal Strategic Statement (MSS) under the Council Plan. As such, it links to all of Council's externally focused strategies and action plans and also to the internal focused work such as Live Well Work Well, the Diversity and Inclusion Policy and Gender Equity Action Plan. The Strategy fits within the Council Plan objective of Connected and Healthy Communities.

The Strategy is framed into three priority areas:

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

The projects delivered by the proposed successful applicants will significantly contribute to enhancing health outcomes, including decreasing obesity and improving mental health and wellbeing. By engaging and encouraging people to be physically active and creative we can protect, improve and promote public health and wellbeing for all ages.

The Recreation and Open Space Strategy 2013-2023 sets out directions for creating healthy and active environments and services in Yarra Ranges, and provides a framework to guide future development and management of Council's recreation reserves, parks and community spaces.

CONSULTATION

All applications were assessed against the criteria by four Council officers ('assessors') from Council's Recreation & Active Living team and one officer from Council's Community Development team, who understood the assessment process and/or had knowledge of infrastructure development and maintenance.

The following process was followed by each of the assessors:

1. Applications assessed independently;
2. Allocated a project score using the criteria provided;
3. Met and discussed each project;
4. Agreed on a final score; and
5. Allocated funds based on the final outcomes of assessment and budget.

This process was overseen and coordinated by the Recreation Development & Liaison Officer.

FINANCIAL IMPLICATIONS

An annual budget for the Capital Development Grants Program is included in Council's 10 Year Capital Expenditure Program. The total funds for 2021/22 Program have been increased to \$169,000 from the previous amount of \$165,000 available in 2020/21.

It is recommended to award a total of \$160,304 to 13 applications. It is recommended that the \$8,696 not allocated remain in the budget as contingency should any projects costs escalate for unforeseen reasons. Should the funds not be utilised, it is proposed that the amount be carried forward to increase the 2022/23 funding pool.

KEY ISSUES

There were 14 applications submitted equating to a total grant request of \$190,304 from the 2021/11 Program for projects that amount to a combined value of \$411,867. There were some exceptional applications and a small number that lacked some detail, however all applications except one were deemed worthy of funding as they met the outcomes and criteria per the guidelines outlined above.

One application was not supported by the panel as it did not meet the Grant guidelines that stipulate Club contributions must be a minimum 50% of the total project cost. This application included no club contribution but relied on State Government funding for other projects in the precinct. Advice was provided to the applicant prior to closing the 2021/22 Program that their submission did not meet the guidelines, and this would jeopardise their submission if not revised.

The panel recommends funding the 13 applications totalling a grant request amount of \$160,304 for projects that amount to a combined value of \$331,867.

The 2020/21 Program was oversubscribed, with 14 applicants not able to be funded. Of these 14 applicants, 8 reapplied after working with Council officers to strengthen their applications and have now been successful in receiving funding through the 2021/22 Program.

Environmental Impacts

No projects submitted were identified as creating any negative environmental impact.

Social Impacts

The Health and Wellbeing Strategy (the Strategy) identifies that high levels of obesity, dementia and poor mental health are significant issues for our community. The Strategy recognises that increasing physical activity will deliver more substantial health and wellbeing outcomes. Providing grants to enable our clubs to deliver these projects will actively support the outcomes of the Strategy.

These projects represent a great opportunity for our clubs to invest in their community infrastructure and provide an opportunity for local families to take part in an active lifestyle, increasing health and wellbeing outcomes and supporting the outcomes of the Strategy.

Several of the projects submitted support recreation participation to the wider community, including female and disadvantaged community members.

Economic Impacts

The Capital Development Grants Program supports volunteer/not for profit organisations, delivering important community infrastructure that ensures sustainability of the organisation delivering the project.

Risk Assessment

All successful applications are required to enter into a formal funding agreement with Council, prior to projects commencing.

The delivery of all successful projects will be overseen by the Recreation Active Living team.

CONCLUSION

This year the 2021/22 Program attracted several high-quality applications with well thought out project scopes to benefit Club members and the wider community.

The assessment process was thorough and conducted with staff from Council's Recreation Active Living and Community Development teams. Following an assessment of the applications, it is recommended that \$160,304 be allocated to fund 13 club projects under Council's 2021/22 Program.

All clubs will receive notification of the outcome of their funding following endorsement by Council. Feedback will be provided to the applicant/s who are unsuccessful.

The proposed projects submitted by Yarra Ranges sport and active recreation organisations will have ongoing benefits to the health and wellbeing of current members and should positively impact community participation into the future.

ATTACHMENTS

There are no attachments to this report.

7.5 Hearse Road, Millgrove Intention to Levy a Special Charge

RESPONSIBLE OFFICER Director Environment & Infrastructure

SUMMARY

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas. This funding program has been named the Roads for the Community Initiative.

At its meeting on 24 September 2019 Council endorsed a list of roads to be constructed using this funding to be facilitated by means of Special Charge Schemes. Hearse Road, Millgrove was included on this list of roads.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Hearse Road, Millgrove.

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 23 November 2021, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Hearse Road, Millgrove.***
- 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 2022 and concluding on 30 June 2032.***
- 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) \$7,000 per development unit.*
- (b) Plus financing cost of 3% 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 2023, 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 \$100,625 ("the amount to be paid"); comprising of \$87,500 for the cost of works and \$13,125 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 Star 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 23 November 2021, 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 23 November 2021, 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 thereof.*

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

It is proposed to notify affected landowners of Council's intent to levy a special charge for the construction of Hearse Road, Millgrove.

The proposed improvement works will provide the following benefits to involved landowners:

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Hearse Road, Millgrove;
- Improved stormwater drainage runoff control directed towards the road from abutting properties and protection of low side properties from stormwater runoff from the road;
- Enhanced physical and environmental amenity for abutting properties; and
- Special benefit to landowners of properties, within the designated area of the scheme, abutting or gaining primary access via the proposed works.

RELATED COUNCIL DECISIONS

At its meeting on 24 September 2019, Council considered a report regarding the Federal Government Road Construction Funding Initiative and adopted recommendations including:

1. Council endorse the roads listed in Attachment 1 (of that report) for construction utilising the Federal Government funding initiative; and
2. Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

This report has been published on Council's website and is available by searching the Agenda for the 24 September 2019 Ordinary Meeting:

https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv_OC%20CL%20Public%20Meetings=%28pageindex=4%29

BACKGROUND

Hearse Road, Millgrove is a local road approximately 380 metres in length, connecting abutting properties to the Warburton Highway.

At its meeting on 24 September 2019 Council considered a report on funding, to be allocated by the Federal Government, for sealing roads within the Dandenong Ranges and surrounding areas.

Council endorsed a list of roads to be constructed using this funding, to be facilitated by means of Special Charge Schemes. Hearse Road, Millgrove was included on the endorsed list of roads.

Council resolved that Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

In accordance with Council's Special Charge Scheme Policy, landowner support has been sought and obtained for construction of the road. The project has been listed in Council's 2020/21 - 2022/23 Capital Expenditure Program.

The 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.

The Federal Government funding commitment of \$150 million over 10 years will have a transformational impact on unmade roads throughout the Dandenong's and urban growth areas of the municipality.

The key principles of the program are to construct unmade roads:

- Servicing schools, community facilities and sporting facilities;
- Within the urban growth boundary and township areas within Yarra Ranges;
- That significantly support bushfire risk and emergency situations to allow the community to safely exit areas of high risk;
- That support the growth and development of tourism across the municipality; and
- Where sections of high-volume rural roads intersect with collector/arterial roads.

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 Hearse Road, Millgrove offers benefits, as the road is adjacent to the Millgrove township, intersects with the Warburton Highway and would complete an existing sealed road network.

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

CONSULTATION

In February/March 2021 landowners along Hearse Road, Millgrove were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the road. Results were as follows.

- 13 (100%) of landowners responded to the survey.

Of those landowners who responded to the survey:

- 7 (54%) supported the proposed Special Charge Scheme; and
- 6 (46%) opposed the proposed Special Charge Scheme.

Landowners were advised that sufficient landowner support for the proposed Special Charge Scheme had been identified and design would commence with an invitation to attend an online landowner briefing to be sent in the 2021/22 financial year.

Due to Covid-19 restrictions, a traditional public meeting and/or drop-in session for landowners along Hearse Road, Millgrove could not be held. As an alternative, a letter was mailed to landowners inviting them to view an on-line briefing presentation detailing the standard of works and the statutory processes required to implement a Special Charge Scheme.

The briefing presentation has been available for viewing on Council's website. Landowners were informed that any questions regarding the project could be discussed either over the phone or at an onsite meeting with Council officers, subject to COVID-19 restrictions easing.

Those landowners unable to access the internet were advised that a copy of the presentation and functional design plans could be mailed to them on request.

FINANCIAL IMPLICATIONS

Based on preliminary estimates for road improvements to Hearse Road, Millgrove an amount of \$387,000 has been allocated in Council's 2021/22 to 2022/23 Capital Expenditure Budgets.

Following detailed design for the project the estimated cost of works has been determined as \$406,200. The increase to budget estimate is associated with the inclusion of concrete kerb and channel on the southern side of Hearse Road.

Additional Council funding for these works will be sourced from the Federal Government Roads for the Community Program, if required after the Tender Process. At its meeting on 24 September 2019 Council resolved that Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

The landowner contribution to the project will be fixed at \$87,500 (subject to the outcome of any submissions to the Special Charge Scheme).

As listed in Attachment 4 - Schedule of Costs per Property, this results in a subsidy for landowners of \$210,736 over and above Council's normal 20% contribution towards Special Charge Scheme projects, equating to a landowner saving per development unit of \$16,859.

Through the process of tendering, delivering and finally costing the overall project, any savings would first be directed towards this subsidy prior to proportionately sharing with landowners as described in Council's Special Charge Scheme policy.

Council's contribution to the project is estimated to be \$318,700 and will be funded by the Federal Government Roads for the Community Initiative.

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

Scheme Details

Estimated Scheme Cost	\$406,200
<u>Less</u> Council's 20% Contribution	\$81,240
<u>Less</u> Council's Contribution for works abutting Crown Land	\$26,724
<u>Less</u> Subsidy for Federal Government Funding Ceiling of \$7,000 per benefit unit	\$210,736
Balance of estimated cost to be recovered from landowners (excluding financing costs)	\$87,500

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 landowner component of the project is to be provided from cash reserves. The financing cost rate is determined utilising information from the Victorian State Government Department of Treasury and Finance. The financing cost rate applicable is 3.0%.

Financing costs are to be recovered from landowners who choose not to pay in full by 15 February 2023. Total landowners' estimated share for the works is \$87,500 plus an amount of \$13,125 for financing costs.

Period for Which Special Charge Remains in Force

The special charge remains in force for the period commencing 1 July 2022 and concluding on 30 June 2032, 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 2023. 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 Hearse Road, Millgrove**

A search of Council's records indicates that Hearse Road, Millgrove has 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 Sections 8 and 10 of the *Local Government Act 2020* which identifies the role and powers of Councils.

Nature and Purpose of Special Charge

As a result of landowner consultation, significant support has been identified from landowners along Hearse Road, Millgrove for implementing a Special Charge Scheme for sealing the road 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 Hearse Road, Millgrove as shown in Attachment 2 – Designated Area.

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 GWZ4 – Green Wedge Zone Schedule 4 of the Yarra Ranges Planning Scheme.

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

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; and
- Enhancement of visual amenity of the area.

The proposed works will place three (3) small trees of varying size at risk of removal. 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 for Hearse Road, Millgrove:

- Approximately 380 metres urban standard asphalt road generally 5.5 metres trafficable width from Warburton Highway to a point 20m east of the driveway into property 25 Hearse Road, following the existing road formation;

- Concrete rollover kerb and channel on southern side of road with associated underground longitudinal drainage, open table drain on the northern side of the road; and
- Turn around at the end of Hearse Road.

These works are considered to be of an appropriate standard to service Hearse Road, Millgrove, 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 is a calculation of Special Benefit and Maximum Total Levy, a plan showing the Designated Area, Estimated Cost of Works and Schedule of Costs per Property for road improvement works to Hearse Road, Millgrove.

Environmental Impacts

The proposed works will place three (3) small trees of varying size at risk of removal. 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.

The works will enhance the environmental amenity, through the reduction in dust.

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 Hearse Road, Millgrove;
- Improved stormwater drainage runoff control directed towards the road from abutting properties, and protection of low side properties from stormwater runoff from the road; and
- Enhanced physical and environmental amenity for abutting properties.

It is noted that this road has existed in its' current form for many years. If the proposed construction of the road 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 Council's Community Links for at least 28 days after the publication of the notice.

Due to current COVID-19 restrictions the public notice will advise a copy of the proposed declaration is available online by searching Council's website for the Agenda of the 28 September 2021 Council meeting.

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

Submissions

Council or a Delegated 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 Delegated Committee of Council 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 23 November 2021, or should this meeting not proceed then the next available meeting; and
- Copies of submissions (excluding submitter's names and addresses) will be made available at the Council meeting when submissions are considered.

DECLARATION OF THE SPECIAL CHARGE

It is recommended that Council at its meeting scheduled for 23 November 2021 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 effective issue of the notice levying the charge, apply to the Victorian Civil and Administrative Tribunal for a review of the decision.

CONCLUSION

It is recommended that Council advise the affected landowners of its intent to declare a special charge for Hearse Road, Millgrove 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[↓](#)

Hearse Road, Millgrove

Calculation of Special Benefit and Maximum Total Levy

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

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

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

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

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

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

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

TCB - is the estimated total community benefit.

R - is the benefit ratio.

Properties included in the scheme - TSB (in)

It is proposed to include 13 properties within the scheme which having regard to development result in 12.50 development units for those properties that abut or gain primary access via Hearse Road, Millgrove. The criteria considered appropriate for differentiating between special benefit received by these properties compared to properties not included in the scheme and the broader community are as follows:

- works will provide continued and safer vehicular access to and from properties abutting or gaining primary access via Hearse Road, Millgrove
- works take waters flowing from the lands or premises towards other lands or premises
- works take waters flowing towards the land or premises from other lands or premises
- works enhance the physical and environmental amenity of the land and local area.

TSB (in) is therefore calculated as having a result of 12.50.

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

There are no other properties with an identified special benefit that Council does not propose to include in the scheme (apart from a section of Crown Land opposite 25 Hearse Road, for which Council is making a contribution based on ½ cost abuttal).

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

Community benefits – TCB

As Hearse Road, Millgrove does not act as a collector road for the benefit of the broader community and there is no community facility that may derive a special benefit from the works, it is considered that a community benefit is not applicable in this scheme.

TCB is therefore calculated as having a result of 0.

Maximum Total Levy

Having regard to "properties not included in the scheme receiving special benefit" and "community benefits", it is considered that the 13 landowners within the proposed special charge will receive 100 percent of the overall benefit as a Benefit Ratio (R) for the proposed scheme by applying the above factors to the Ministerial Guidelines formula.

The calculation of the Maximum Total Levy therefore equates to \$379,476 (Cost of Scheme works – Cost of works abutting Crown Land).

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

Manner of assessment and levy

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

- all lands within the designated area, described above
- the zoning of those lands, their existing and potential use
- the special benefit to each of those lands
- the accessibility of the works for those lands.

The basis of apportionment has been formulated in accordance with Council's Special Rates and Charges Policy 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 of the land.

Generally, lots will be charged one development unit where access to the property is primarily taken directly from Hearse Road, Millgrove. Instances

where a residential property takes primary access from an alternative road and has an additional abuttal to Hearse Road, Millgrove as sideage or rearage, the property would then be generally charged one half of a development unit.

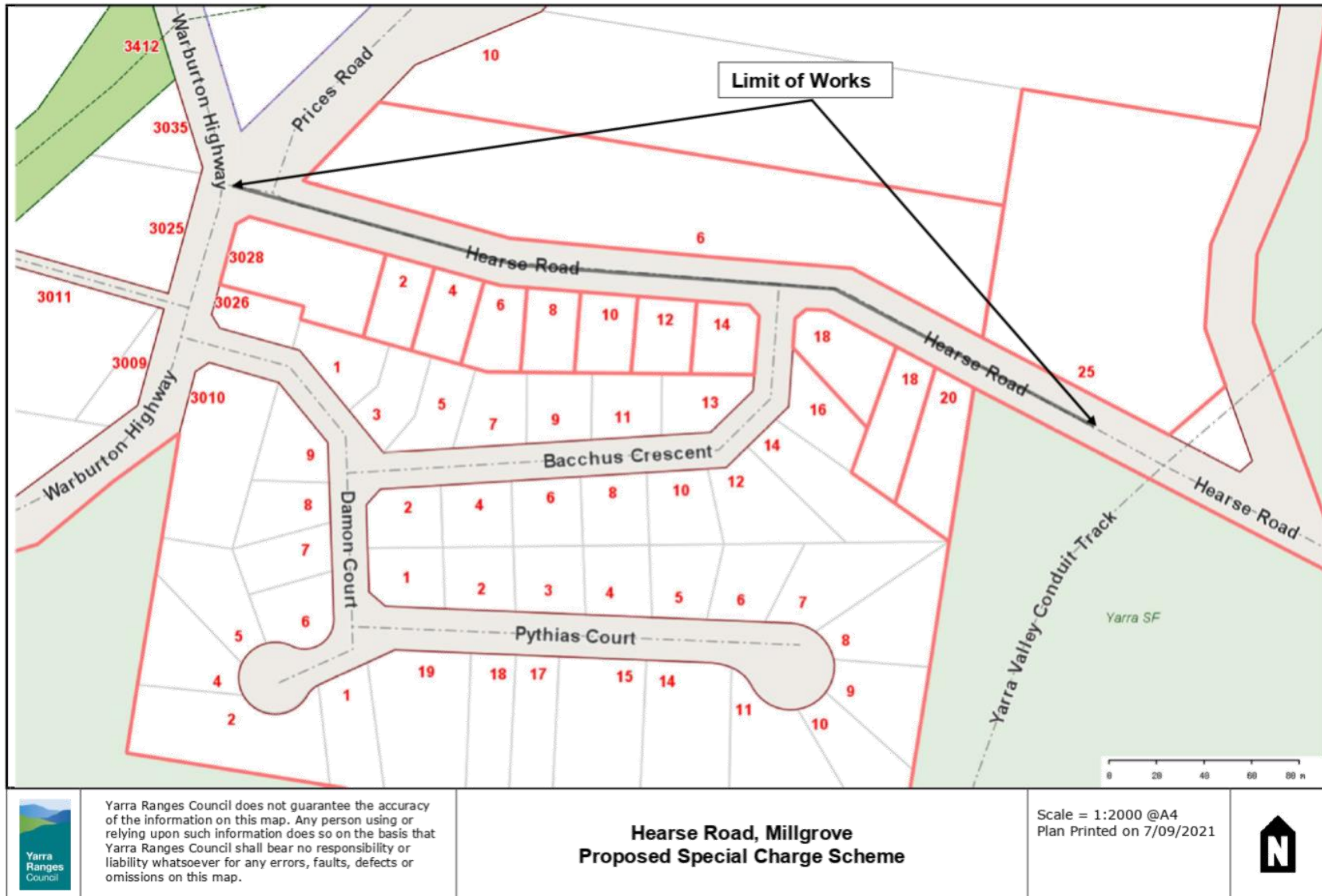
With regard to individual properties:

- 18 Bacchus Crescent
This property levied 1.00 development units. Primary access is gained via Hearse Road.
- 14 Hearse Road
This property levied 0.50 development units. Primary access is gained via Bacchus Crescent.

The basis of allocated charge to properties has been calculated from:-

- (a) \$7,000 (fixed) per development unit.
- (b) plus financing cost of 3% per annum.

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



ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:		DATE:		2-Aug-21	
PROJECT:		HEARSE ROAD, MILLGROVE SCS IMPROVEMENT WORKS			
TOTAL SCHEME COSTS:		\$406,200.00			
COUNCIL COSTS:		\$0.00			
TOTAL PROJECT COST:		\$406,200.00			

Item	Description	Quantity	Unit	Rate	Amount
1	PRELIMINARIES				
1.1	All works necessary to establish and maintain the site inclusive of pedestrian safety and traffic management measures, environmental management, occupational health & safety, protective fencing, for duration of construction period, to conform with Australian Standards	1	Item	\$10,000.00	\$10,000.00
1.2	Preparation of worksites and protection of environmental significance areas by fencing in accordance to Environmental Management Plans and comply with the Flora & Fauna and Habitat Assessment as specified.	1	Item	\$4,000.00	\$4,000.00
1.3	Existing tree to be removed as specified	3	Item	\$500.00	\$1,500.00
2	DEMOLITION				
2.1	Grubbing and clearing including taking up, removal and/or salvage of all existing redundant concrete, pipework, trees etc. as specified at per item.	1	Item	\$4,000.00	\$4,000.00
2.2	Setout of works	1	Item	\$3,000.00	\$3,000.00
2.3	Breakout and Remove existing drainage culverts south of Hearse Road	60	Lin.m	\$140.00	\$8,400.00
3	EARTHWORKS - Supply all plant and labour to excavate, shape, fill, form up, consolidate, table drains, batters, verges including excavation of road material for widening, preparation of subgrade and				
3.1	Fill and reshape swale south of Hearse Road	292.5	m3	\$40.00	\$11,700.00
4	CONCRETE WORKS				
4.1	Construction of Concrete Edge Strip outlined in Council's SD/B2 standard drawings	385	Lin.m	\$75.00	\$28,875.00
4.2	Construction of Rollover Kerb and Channel outlined in Council's SD/B1 standard drawings	370	Lin.m	\$90.00	\$33,300.00
5	ROAD PAVEMENT				
5.1	Prepare existing basecourse crushed rock layer for road construction, including shaping and rotor milling top 50mm and combining with regulation material, compacted to 98% modified MDD.	2200	m2	\$10.00	\$22,000.00
5.2	Regulation Base Course - Supply new 20mm nominal Size class 2 fine crushed rock, compacted to 98% modified MDD.	120	m3	\$140.00	\$16,800.00
5.3	Asphalt Base Course - Supply and compact 40mm depth of size 14mm Type H Asphalt with a C320 binder	2200	m2	\$22.00	\$48,400.00
5.4	Asphalt wearing course - Supply and compact 30mm depth of size 10mm Type H Asphalt with a C320 binder asphalt	2200	m2	\$18.00	\$39,600.00
5.5	Pavement Widening Sub base- 150mm compacted depth of 3% Cement Treated size 20mm Class 3 Crushed Rock, compacted to 96% Mod MDD	755	m2	\$25.00	\$18,875.00
6	REGRAIDING WORKS				

ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:		DATE:		2-Aug-21	
PROJECT:		HEARSE ROAD, MILLGROVE SCS IMPROVEMENT WORKS			
TOTAL SCHEME COSTS:		\$406,200.00			
COUNCIL COSTS:		\$0.00			
TOTAL PROJECT COST:		\$406,200.00			
6.1	Removal and regrading of gravel crossings	120	m2	\$50.00	\$6,000.00
6.2	Removal and regrading of concrete crossings	24	m2	\$100.00	\$2,400.00
7	DRAINAGE				
7.1	Box culvert 450*300 class 2 RCBC, supplied, laid and jointed including excavation, placement of approved fine crushed rock bedding and back-filling with 20mm nominal size class 2 crushed rock compacted to 95% SMDD	17	Lin.m	\$600.00	\$10,200.00
7.2	Supply and lay 150mm diameter sewer class PVC pipe (earth backfill) as specified on construction plans to connect house drains	75	Lin.m	\$150.00	\$11,250.00
7.3	Construct headwall and beaching as specified	3	item	\$1,400.00	\$4,200.00
7.4	Construct new grated side entry pit 750mm x 1050mm ('<2m deep) as per council standard drawings specified shown in construction plans	3	item	\$2,600.00	\$7,800.00
7.5	Construct new grated pit 750mm x 1050mm ('<2m deep) as per council standard drawings specified shown in construction plans	3	item	\$2,000.00	\$6,000.00
8	ANCILLARY ITEMS				
8.1	Statcon giveaway line 300mm wide 600/600 line/gap (quantity in lineal metre exclude the length of gap)	20	Lin.m	\$50.00	\$1,000.00
8.2	Supply and Install appropriate Road Signage	4	item	\$500.00	\$2,000.00
8.3	Regrade and retopsoil nature strip to an even depth of 50mm with imported local topsoil as specified at per square metre.	755	m2	\$13.00	\$9,815.00
9	PROVISIONAL ITEMS				
9.1	Supply all plant, materials and labour for the excavation of soft or unsuitable subgrade, backfill and compacted with 3% cement treated crushed rock, as specified.	50	m3	\$200.00	\$10,000.00
9.2	Installation of 100mm diameter agricultural pipe drains (Class 400), excavate, supply, lay and backfill as specified	370	Lin.m	\$30.00	\$11,100.00
9.3	Provision of as constructed plans to Council.	1	item	\$1,000.00	\$1,000.00
9.4	Allowance to top up and reseed areas where topsoil has settled 3-6 months after construction.	755	m2	\$7.00	\$5,285.00
TOTAL CONSTRUCTION COST					\$338,500.00
Scheme preparation, supervision, administration etc. 5%					\$16,925.00
Engineer Consultants and other Costs					\$16,925.00
Tree Management (Arborist Assessment, Tree Offsets, Tree Removal) 0%					\$0.00
Contingency sum 10%					\$33,850.00
TOTAL SCHEME COST					\$406,200.00

ATTACHMENT 4. Schedule of Costs per Property

Hearse Road, Millgrove
Proposed Special Charge Scheme

PROJECT COST SUMMARY:			COUNCIL COST SUMMARY:			APPORTIONMENT SUMMARY:		
Total Project Cost	\$406,200		Council 20% Contribution	\$81,240		Unit Ratio =	100%	
Less Council Cost only Items	\$0		Abuttal to Crown Land	\$26,724		Total Landowner Units =	12.50	
Total Scheme Cost	\$406,200		Subsidy for costs above FedFund ceiling	\$210,736		Total Council Units =	Nil	
Total Council Contribution	\$318,700		Total Council Scheme Cost	\$318,700		\$ / Unit =	\$23,859	
Total Landowner Contribution	\$87,500		Council Cost only Items	\$0		FedFund Ceiling \$/ Unit =	\$7,000	
Financing Costs	\$13,125		Total Council Project Cost	\$318,700		FedFund Subsidy \$/ Unit =	\$16,859	
DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
Ca 77C PWarburton	25 Hearse Road	45806	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 53 LP71925 Ca P	20 Hearse Road	45807	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 52 LP71925 Ca P	18 Hearse Road	45808	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 51 LP71925 Ca P	18 Bacchus Crescent	45809	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 6 LP71925 Ca PT	14 Hearse Road	45810	0.50	\$11,929	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 5 LP71925 Ca PT	12 Hearse Road	45811	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 4 LP71925 Ca PT	10 Hearse Road	45812	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 3 LP71925 Ca PT	8 Hearse Road	45813	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 LP71925 Ca PT	6 Hearse Road	45814	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 LP71925 Ca PT	4 Hearse Road	45815	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 LP95290 Ca PT	2 Hearse Road	45816	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Ca 77B PWarburton	6 Prices Road	46046	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 LP95290 Ca PT	3028 Warburton Highway	46209	1.00	\$23,859	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Totals			12.50	\$298,236	\$87,500	\$13,125	\$100,625	\$10,063
Notes								
Contribution for abuttal to Crown Land (50m 1/2 cost abuttal)			\$26,724					

7.6 Rivers and Ridges Update

RESPONSIBLE OFFICER Director Environment & Infrastructure

SUMMARY

Rivers and Ridges encompass three main projects funded by all Government tiers and takes a strategic approach to expand the Yarra Ranges network of cultural and recreational experiences.

These are; Warburton Mountain Bike Destination, RidgeWalk and Yarra Valley Trail. Together, when combined with the existing Lilydale to Warburton Rail Trail, the trails provide a unified and unique cultural, recreational and educational experience in multiple locations servicing various audiences.

It is anticipated that the projects will deliver 910,000 visitors per annum, create 597 jobs and inject \$103 million in economic spend to the region.

Yarra Ranges has developed and achieved funding for the projects to a value of \$29.6 million, with \$22.4 million coming from external funding sources.

The Warburton Mountain Bike Destination is currently going through an Environmental Effects Statement (EES). Once completed, along with the adoption of a Warburton Master Plan by Council, the project is ready to proceed pending the required EES outcomes.

The RidgeWalk Master Plan was endorsed by Council in September 2020 and is now undergoing detailed design, with construction having commenced on some sections.

Yarra Valley Trail has completed Stage 1A Lilydale to Yering and is preparing further construction of Stage 1B Yering to Yarra Glen. A Planning Permit has recently been submitted for this stage. Planning for unfunded Stages 2 and 3, Yarra Glen to Healesville and Healesville to Woori Yallock respectively, continues.

The intent of this paper is to provide an update on the progress of all three projects.

RECOMMENDATION

That Council notes the progress with delivery of the three Rivers and Ridges projects.

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

All three Rivers and Ridges projects are progressing. As with most projects of such scale and significance, each project continues to face challenges amongst some exciting progress.

An update of each projects status is provided below.

Warburton Mountain Bike Destination Update

Work to progress the Environmental Effects Statement (EES) continues, with this being only the second time a Council has been the lead proponent of an EES, and the first project of its type to undertake an EES. Work with the Technical Reference Group (TRG) has at times been challenging, impacted also by the COVID-19 working environment. The TRG is the responsibility of reviewing the overall project, its objectives and the development of technical studies and reports that will then ultimately form the EES that is to be considered through a Planning Panel established by the Minister for Planning.

The government organisations represented on the TRG are:

- DELWP - Impact Assessment;
- DELWP - Port Phillip Region (biodiversity);
- DELWP – Planning;
- Aboriginal Victoria;
- Heritage Victoria;
- Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation;
- Parks Victoria;
- Melbourne Water;
- Department of Transport; and
- Environment Protection Authority.

Over the past 6 months further field work has been completed to:

- Quality check biodiversity data from previous studies;
- Finalise biodiversity and heritage impact assessments;
- Investigate impacts on trees and develop mitigation measures to avoid tree health effects;
- Realign Trail 1 (Drop-a-K) away from critical Leadbeater's Possum habitat and minimise impacts to Cool Temperate Rainforest;
- Undertake Indigenous Cultural Heritage Values assessment; and

- Realign trails in response to community feedback.

Six Technical Reports and 17 EES Chapters are now substantially complete, with final reviews and amendments currently underway. The final Technical Reference Group Meeting was held on 12 August 2021.

Over the next 6 months, the following activities are anticipated to occur:

- 30 Aug 2021 – Commence Gender Impact Assessment in accordance with Gender Equity Act 2020;
- 30 Aug 2021 to 10 Dec 2021 – Community Engagement and Communications. Key components:
 - Provide details on how the public navigate and participate in the EES process
 - Provide feedback to community on how Council have responded to concerns raised
 - Highlight key outcomes from technical investigations to reassure community that risks can be managed appropriately;
- 27 Sep 2021 – Completed EES submitted to DELWP for Authorisation;
- 30 Oct 2021 to 10 Dec 2021 – EES on Public Exhibition. Interested parties invited to provide submissions;
- 27 Jan 22 – Directions Hearing;
- 14 Feb 22 to 4 Mar 22 – Public Inquiry Hearing;
- 20 May 22 – Minister for Planning Assessment complete; and
- 1 July 22 – Construction commencement.

The table below provides estimates for expenditure ceilings for Legal and Trail Consultancies that are unlikely to be fully expended:

Budget Item	Sum of costs \$ (GST Inc)
EPBC Costs	9,705
EES Management	1,540,209
Exhibition costs	13,712
Legal Costs	500,000

Technical Reference Group Costs	15,650
Communications & Engagement	170,220
Technical Report	258,339
Trail Consultancy	150,000
Cultural Values Recording	19,333
EES Referral	678,000
Total	\$3,355,167

RidgeWalk Update

Planning for RidgeWalk continues positively but has been impacted by the recent June storm causing delays to some works. A sod turning planned with funding partners has been delayed due to the impact of the storm.

The townships linked by the RidgeWalk project were amongst the hardest hit during the June storm, including Mount Evelyn, Montrose, Kalorama, Mount Dandenong, Sassafras, Olinda, and Sherbrooke. The extent of impact on the forests affecting the proposed RidgeWalk trails is still largely unknown. Many trails are still closed with trees down or unsafe to access. Council is partnering with Parks Victoria to prioritise trail assessment and clearance for RidgeWalk.

The project is now required to work through an assessment phase to determine the level of impact on the project. These stages are:

- Engage with Parks Victoria and Council's Recovery Directorate to nominate and prioritise works;
- Engage with residents and groups within the Community to get a more complete sense of community sentiment;
- Once Parks Victoria have made trails safe, the RidgeWalk team can assess any changes to trail conditions and determine the extent of damage and costs to repair and where further geotechnical investigation may be required;
- Review project milestones;
- Support Council's Recovery Program where possible; and
- Advocate for grant funding opportunities.

Significant other infrastructure investigations including geotechnical reports, trail design, and traffic and parking studies have been completed in recent months, however some work is outstanding due to the June storm and COVID-19 impacts.

Planning for the artistic and cultural components of the project are progressing well.

The *Ridgewalk Indigenous Advisory Network* has been established with their first meeting held in June.

The project team met with Wurundjeri to discuss the RidgeWalk project, Cultural Values Report and the role of the Traditional Owners with regards to the Indigenous Project Advisory Network. The meeting was extremely productive, and the project will be presented by Wurundjeri staff to their Board.

The Wurundjeri Woi Wurrung Aboriginal Heritage Corporation has been officially recognised as the Registered Aboriginal Party (RAP) for a broad section of Melbourne including much of the Yarra Ranges and the entire project area for RidgeWalk. This has significant implications for the project and is an opportunity for a deeper relationship with the Wurundjeri organisation as the Dandenongs are newly recognised as officially part of Wurundjeri land.

Expressions of Interest are currently being assessed from potential representatives from the local community and within the public art sector for the *The RidgeWalk Creative Advisory Panel*. The panel will support the development of RidgeWalk's creative program. With representation from the Victorian and local arts sectors, the panel will recommend approaches and oversee process and curatorial decisions relating to the installation of 10 permanent and temporary artworks for the RidgeWalk project.

A project manager has been appointed for *Writing RidgeWalk*. This role will oversee the curation and commissioning of original written works by approximately five established Australian writers, as well as a call-out for local writers to contribute. Additionally, the role will be leading a participatory writing project to be rolled out in early 2023 following the launch of RidgeWalk. The project manager is an acclaimed novelist, poet and long-time resident of the Dandenong Ranges. In addition to writing, they have extensive project management experience leading public writing initiatives such as Moving Galleries, Place as Sites of Healing, and Still Life. With the aid of this role, research of appropriate contracts is occurring around Indigenous Intellectual property to be used for writers and artists for this project and more widely as it engages with Aboriginal artists.

No impact to the project's budget as a result of storm or COVID delays has been identified at this stage.

Yarra Valley Trail Update

Work continues on the delivery of Stage 1B (Yering to Yarra Glen) of the Yarra Valley Trail. The Planning permit has recently been submitted for this stage of the project. A wet last summer and flooding that occurred during the June storm event has resulted in ground conditions being excessively wet. Given normal weather conditions and subject to planning approval, it is expected that hope construction will be able to commence in early 2022.

The former Coldstream Railway Station Site, which has been successful in securing funding to build a pump track, car park and amenities, is currently being used as a temporary green waste transfer and processing site to support the June storm clean up

and recovery. Detailed design continues and it is expected that the green waste will be cleared by early in the new year to allow for the project's delivery.

In Stage 1B, the 1.5 km section of trail immediately south of the Yarra River has the same farming property on either side of the railway corridor. The trail will follow the former railway line which is located on a 3 to 4 metre high built up earth mound viaduct. On either side of the viaduct there are a series of borrow pits that were excavated in the 1930's to provide the material to strengthen the viaduct. Connection between the paddocks either side of the railway corridor occurs at the location of the one existing and the four burnt out timber trestle bridges which were lost during the 2009 Black Saturday bush fires. These bridges are to be rebuilt for the trail to the level of the former railway line and farming access can continue underneath each bridge.

Construction of Stage 1B is technically challenging given the reinstatement of heritage railway bridges and the earth mound viaduct as well as the new bridge over the Yarra River and a long boardwalk approach to Yarra Glen Station across a floodplain with poor site access in wet weather.

The Yarra Valley Trail - Northern loop, a new trail that loops to the north of Yarra Glen along Maroondah Highway, Gulf Road and Steels Creek Road, was successful in obtaining funding during the last State Budget. As a stimulus project, the timelines for the delivery of this project are relatively tight. For both the Northern Loop and Yarra Valley Trail Stage 2A – Yarra Glen to Tarrawarra (in design and pending future funding applications), there are a number of statutory approvals which will be required prior to construction commencing. These approvals will include:

- Flora and Fauna Studies;
- Cultural Heritage Management Plan for sections of both projects;
- Agreements with Melbourne Water for use of their land and works within a floodplain;
- VicTrack lease agreement for Yarra Valley Trail Stage 2A;
- Agreement with the Department of Transport (DoT) of highway crossings and trail construction within a DoT managed road reserve; and
- Detailed design and tendering as required.

Stage 2B of the Yarra Valley Trail – Tarrawarra to Healesville, has several land tenure challenges, particularly inadequate public land to build a trail that is attractive to use. One of these challenges is the area east of a railway tunnel (east of Tarrawarra Railway Station) where very steep hillsides, native vegetation, railway embankments and the Yarra River make through access challenging. Council is working with VicTrack and local land owners on the best possible trail route, which may involve the purchase of land by Council from VicTrack.

Planning for future Yarra Valley Trail Stages including Stage 2B, 3A, 3B and the Southern Loop are also progressing at the same time. In addition further planning work is also required to Master Plan the trail nodes at the Yarra Glen and Healesville Stations, as well as the activation of Yering and Coldstream Stations.

There have been some concerns from farmers adjacent to the trail about potential impact on farming operations. Vineyards, particularly those in proximity to the public land boundary that are not well defined, have concerns regarding:

- Public risk to trail users from farm operations such as herbicide spray, slashing and vehicle movements;
- Biosecurity risk from people entering the vineyard from the trail and spreading Phylloxera, etc. from other infested areas;
- Site security with proximity of the trails to sheds, dams and other infrastructure – particularly with 24 hours public access to the trail;
- Impact on farming operations with the need to cross the proposed trail to access property either side of the trail; and
- Stock getting onto roads from the trail.

The Yarra Valley Trail Stage 1 has been constructed as an easy gradient 3.0 metre wide trail with a cement stabilised crushed rock surface. This provides a wide and hard-wearing surface that also suits the rural landscape character. Yarra Valley Trail Stage 2A and the Yarra Glen Southern Loop Trail will match Stage 1 in terms of trail gradient, width and materials. Other stages of the trail, such as the Yarra Glen Northern Loop and Yarra Valley Trail Stage 3B will have short sections with unavoidable steeper grades but will remain family friendly overall. Unfortunately, Yarra Valley Trail Stage 2B (including sections of the possible Yarra River route) will have steep grades over longer than ideal distances due to the pattern of topography and land tenure.

The trail is being planned with significant input from Wurundjeri Tribe Incorporated. There will be Wurundjeri involvement with the projects through the Council's Wurundjeri Narrap Team on bushland restoration and ongoing management for sections of the trail. The Yarra Valley Trail project offers many opportunities to partner with the local Wurundjeri community to educate, explain and promote the Indigenous cultural values of the Yarra River environs. Many opportunities exist for story telling by direct connection, education and interpretation, significantly promoting Indigenous culture and further understanding. Council is also committed to engaging the Wurundjeri Narrap Team for bushland restoration, cultural burning and ongoing management for sections of the trail.

The most recent Cost Plan has indicated that the Yarra Valley Trail Stage 1B project can be delivered for the allocated budget but contingencies for construction access and wet site conditions will need to be managed.

RELATED COUNCIL DECISIONS

Council Meeting 23 August 2016 – Council endorsed the feasibility study for the Yarra Valley Trail.

Council Meeting 26 March 2019 – Council approved the tender for the Yarra Valley Trail Stage I.

Council Meeting 26 March 2019 – Council approved the tender for the Warburton Mountain Biking Destination project.

Council Meeting 8 September 2020 – Council endorsed the masterplan for the RidgeWalk project.

Council Meeting 23 March 2021 – an update was provided to Council on the Warburton Mountain Biking Destination project in the budget for the Environmental Effects Statement process.

Council Forum 16 March 2021 - Update provided to councillors on progress with the Rivers and Ridges projects.

BACKGROUND

Rivers and Ridges is a strategic approach to expanding the network of cultural and recreational experiences in Yarra Ranges. It builds upon Yarra Ranges natural assets to develop over 160kms (in Stage 1) of mountain biking, cycling and walking trails, connecting the townships of the Dandenong Ranges and the Yarra Valley to the upper Yarra River and Warburton region. There are three iconic trails of the Rivers and Ridges project; the Warburton Mountain Bike Destination, the Yarra Valley Trail and RidgeWalk. Together, these trails provide a unified cultural, recreational and educational experience in a regional setting.

Whilst each project is unique to its setting and provides a different recreational or cultural experience, the three projects collectively present a diverse offering of location and target audience.

Over the past four years, each project has been planned, developed and funded. The table below shows Yarra Ranges' \$7.2 million investment is leveraged to achieve a further \$22.4 million and realise a total of \$29.6 million investment across all projects.

Rivers & Ridges' Projects	Total Project Cost	Federal Government	State Government	Council Contribution	Other
Warburton Mountain Bike Destination (Stage 1)	\$11,300,000	\$5,300,000	\$3,000,000	\$2,700,000	\$300,000 – (Upper Yarra Community Enterprise)
Yarra Valley Trail (Section 1)	\$8,500,000	\$5,000,000	\$3,500,000	\$2,500,000	
RidgeWalk	\$9,800,000	5,800,000	\$2,000,000	\$2,000,000	
Totals	\$29,600,000.00	\$16,100,000.00	\$8,500,000	\$7,200,000	\$300,000

STRATEGIC LINKS

Rivers and Ridges have significant strategic links across Yarra Ranges. The projects collectively deliver on Council's aspirations for Connected and Healthy Communities, Quality Infrastructure and Liveable Places, Protected and Enhanced Natural Environment and Vibrant Economic, Agriculture and Tourism. With their significant investment in the outdoor, open and accessible activity, they promote increased tourism, health and wellbeing, sustainable economic growth and job creation.

Project officers have been working closely with colleagues to ensure consistency and links with many of Council's strategies including

- Council Plan 2017-2021;
- Recreation and Open Space Strategy 2013-2023;
- Creative Communities Strategy 2019-2029;
- Reconciliation Framework for Action 2013-2023;
- Equity Access and Inclusion Strategy 2013-2023;
- Integrated Transportation Strategy, 2020 -2040;
- Health and Wellbeing Strategy 2017-2021;
- Environment Strategy 2015-2025;
- Economic Development Strategy 2012-2022; and
- Council's Vision 2020.

CONSULTATION

Each project under the Rivers and Ridges banner has conducted extensive consultation and engagement with Yarra Ranges communities reaching thousands of residents and hundreds of groups and stakeholders.

Overall consultation has been conducted in various forms, including community meetings with individuals and groups, community workshops, Council officer meetings, Council media streams, community feedback surveys and "have your say" project pages on Council's and State Government websites.

The detail and outcomes of this engagement are documented separately and individually presented as part of the recommendations for endorsement of the respective Master Plans.

Community engagement, including detailed discussions with all adjacent landowners and businesses, is still to be completed for the Yarra Glen Northern and Southern Loops. A draft Master Plan is currently in preparation and is expected to be ready for review in October 2021.

FINANCIAL IMPLICATIONS

The individual project reports provided earlier in this report outline financial implications.

The Warburton Mountain Biking project EES process is currently projected to cost approximately \$2.5 – 2.6M. Council previously expended \$678k during the Draft Master Plan and EES Referral stages. Should additional funding not be secured to offset these costs there will be significant impact to Stage 1 delivery.

KEY ISSUES

Warburton Mountain Bike Destination

Key Current Project Risks/Considerations include:

- 450m of Trail 1 (Drop-A-K) extends approximately 100m into the Melbourne Water, water supply catchment. This has been done to avoid critical biodiversity values using a risk-based approach. Melbourne Water are yet to endorse this approach and have raised concerns in relation to risk to water quality. Additional water quality risk assessment work is being undertaken and will be presented to Melbourne Water for consideration and discussion. This issue, along with biodiversity considerations for alternative alignments for Trail 1, potentially impact the viability of this critical trail;
- Native Vegetation Offset obligations continue to be investigated. Using full market rates, the project may have a cost of approximately \$4M for the full project (approximately half for Stage 1). Similar projects being delivered by Parks Victoria or DELWP (the usual delivery agents for recreation projects on crown land) would not attract similar Native Vegetation Offset costs as they are covered by a departmental procedure that recognises their environmental contribution. Council staff are working closely with DELWP to identify opportunities for Native Vegetation Offset on Crown Land, or via alternate arrangements (allowable under the legislation) that can reduce costs and improve local environmental outcomes. Funding of \$1M was set aside for Native Vegetation Offset within the Stage 1 project budget;
- The EES process is currently projected to cost approximately \$2.5 – 2.6M. Council previously expended \$678k during the Draft Master Plan and EES Referral stages. Should additional funding not be secured to offset these costs there will be significant impact to Stage 1 delivery.

These costs do not include the significant labour component that Council has absorbed to maintain the WMBD Project Team;

- The remainder of EES activity (and cost) will be driven by the quantum and nature of submissions during the Public Exhibition phase. The project team (including consultants and legal team) have estimated commitments based on current knowledge, but this will remain largely unknown until the Public Exhibition phase is concluded; and
- Council's capacity to undertake upcoming EES tasks considering current and projected resourcing. Key areas include:

- Community Engagement and Communication will ramp up from late September with considerable effort required in website renewal, social media engagement, face to face and online engagement.
- Supporting preparation for and participation in the Planning Panel Inquiry. This period is likely to have a high demand on resources, with a minimum of 6 staff required (assuming Inquiry Submissions are limited and simple), through to 10 or more. This will be further understood when public submissions are received and analysed.

Ridgewalk

Key Current Project Risks/Considerations include:

- Extreme weather events - work with Parks Victoria is occurring to clear RidgeWalk trails impacted by the June 2021 storm event as a priority;
- COVID lockdowns are an ongoing project risk to progress works;
- Environment Effects Act - this will have a potential to impact on works are delivered and their timeframes;
- Environment Management issues – there is a focus on mitigating environmental issues through the utilisation of existing trails where possible, with a new consultant for site works providing a ‘peer review’ style approach;
- Community Engagement - an updated communications plan and stakeholder engagement strategy for the design development stage; and
- Melbourne Water proposed works – a potential conflict has been identified in Mt Evelyn with a proposed filtration plant development in close proximity to proposed trails. Staff are currently engaging with the Melbourne Water design team to determine how this should be progressed with.

Yarra Valley Trail

Key Current Project Risks/Considerations include:

- Department of Transport land tenure issues with an adjacent landowner that are unrelated to the trail may impact on Stage 1B delivery if the owner seeks increased involvement of Council to assist in addressing their land tenure issues;
- Grant funding timeframes for the Yarra Valley Trail Stage 1, Yarra Glen Northern Loop and the Coldstream Station Activation project need to be managed with the funding partners. Yarra Valley Trail Stage 1B is already delayed and very wet site conditions across the floodplain could delay the project delivery further.
- Agreement needs to be reached with the Yarra Valley Railway and VicTrack for the trail route and trail head infrastructure for Yarra Valley Trail Stage 2A, and improvements at Yarra Glen Station and Healesville Station proposed as part of the overall project; and

- Yarra Valley Trail Stage 2B, between Tarrawarra Road and Healesville, has a number of challenges with topography. Discussions have been underway with two landowners north of the Yarra River for some time (Tarrawarra Abbey and Tarrawarra Estate) and there is some likelihood that a mutually beneficial outcome could be reached. Yarra Valley Trail Stage 2B also contains a 2.7ha parcel of VicTrack land that VicTrack has commenced negotiations for sale. This process has been temporarily halted while planning of the trail route continues.

Environmental Impacts

The Rivers and Ridges trails are being constructed in an environment with extensive natural and heritage values that need to be protected. These values also offer an opportunity to immerse the community in these special areas to develop a deeper connection and future advocacy for their protection. The projects aim to create a "net gain improvement" in environmental and heritage values by avoiding/mitigating or minimising and offsetting impacts, coupled with identifying opportunities for values improvement works and interpretation.

Measures include:

- Aligning trails to avoid critical areas;
- Designing trails to avoid impacts;
- Detailing the construction methodology to ensure the protection of values; and
- Identifying opportunities for the project to improve values.

This includes habitat improvements for threatened species such as Leadbeater's possum, artificial hollow construction, pollution reduction measures, improvements to Wingless Stonefly habitat and research and monitoring programs to understand and adapt to long term environmental outcomes.

These trails will create a historical, cultural, educational and tourism experience that becomes an integral part of the communities living, working, and visiting the area. Yarra Ranges will be a destination for exploring the region's art, landscape, townships, and heritage. It will help bring people into the environment and showcase some of the region's high-quality ecosystems. The Rivers and Ridges trails will operate as an outdoor classroom; providing opportunities for interpretive material and public education, aiding environmental sustainability and advocacy in the long run.

Social Impacts

Rivers and Ridges will enhance and solidify the resident's connection to the community and a reinforced sense of place.

There is continual feedback from our communities that they value a strong connection to the natural environment; the Rivers and Ridges trails offer more community members to access the natural environment safely.

There are significant challenges across Yarra Ranges with pockets of disadvantage in some small townships and remote areas. These trails offer opportunities for low/no-cost participation in physical activities for local communities. These trails will also help

encourage healthy childhood development, improve social interaction and be a gender-neutral investment.

The Health and Wellbeing Strategy identifies that high levels of obesity, dementia and poor mental health are significant issues for the community. The strategy recognises that increasing physical activity will deliver more substantial health and wellbeing outcomes. The development of these priority projects will actively support the outcomes of the draft Health and Wellbeing Strategy.

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

- Enhanced community access to infrastructure that encourages health and wellbeing outcomes;
- The revitalisation of local communities;
- Reduction of social isolation;
- Reduced levels of unemployment;
- Greater connection to place;
- Increased visitor footprint;
- Increased female participation in sport and recreation; and
- Increased levels of physical activity.

Increasing physical activity will deliver greater health and wellbeing outcomes. The development of this trail network that is well connected, safe and provides suitable options for all ages will strongly support positive outcomes for our community.

The recently opened Yarra Valley Trail Stage 1A has been overwhelmingly utilised and has been exceptionally well received by the community. It has proven to be a valuable asset to the community during the COVID-19 pandemic, providing a haven for those seeking a break from self-isolation/lockdown.

Enabling visitors and our communities to experience artwork, history, culture and education, access the environment and immerse themselves in the natural beauty will promote further connection with local heritage and culture, including a greater understanding and appreciation of the iconic Yarra River in its pristine upper regions and the connection this area has to our Indigenous heritage.

Economic Impacts

Specialist trail and tourism consultant TRC Tourism (including a respected economist), was engaged to undertake an economic impact assessment of Rivers and Ridges. The impact assessment identified that developing these trails will involve injecting significant sums into capital development and ongoing funding for maintenance and operation. This will result in jobs relating directly to the construction and maintenance of the trail network.

The economic impact assessment anticipates that an additional 910,000 visits to the trails will occur. The assessment identified that \$103 million per annum of local economic investment along with 597 jobs would be generated.

Risk Assessment

- Potential environmental impact: through comprehensive studies and the implementation of mitigation measures it is considered that there will be an opportunity for the projects to become a world-class example of integrating recreation in a sensitive environment; showcasing world-class design and facilitation;
- Aligning partners to the vision of each of the projects involves collaboratively refining and shaping the vision to ensure buy-in and commitment;
- Impact to Council's reputation in the community and with funding partners through delays or non-delivery of works would be significant. Project teams have been established for each project and are endeavouring to achieve delivery to meet expectations; and
- Expectations of Federal and State government funding partners is becoming much more detailed when it comes to project ready status. Much more is being expected in terms of detailed design, land use agreements, community engagement, and cultural heritage and planning approvals. This means that in future a larger amount of officer and consultant work will need to be completed before funding can be applied for. This also has impacts for the timetable of future project delivery.

CONCLUSION

All three Rivers and Ridges projects continue to progress in their development and delivery. The ultimate delivery of these projects is expected to be of considerable benefit to the community and visitors to Yarra Ranges.

ATTACHMENTS

Nil

7.7 CT6753 - Design & Construction of Netball Court Shelters at Pinks Reserve, Kilsyth

RESPONSIBLE OFFICER Director Environment & Infrastructure

SUMMARY

This report summarises the evaluation process and seeks Council approval for the Design and Construction of three (3) Netball Court Shelters (courts 4, 5 and 6) at Pinks Reserve, Kilsyth.

This project was initiated to engage a construction company to construct new Netball Court Shelters at Pinks Sporting Reserve at Kilsyth.

Five (5) prequalified suppliers from the Department of Treasury and Finance Construction Supplier Register (CSR) were invited to participate in a selective tender for this project on 22 July 2021. Under section 108(7)(b) of the *Local Government Act 2020*, Council's use of the CSR list is approved by the Minister of Local Government under section 186(5)(c) of the *Local Government Act 1989* and is therefore compliant with Councils' legislative requirements.

Two (2) Invited Tenderers notified their intention to withdraw from the tender due to inadequate resources to complete the works.

Tenders closed on 17 August 2021 and three (3) conforming submissions were received and evaluated in accordance with the pre-determined criteria weightings.

Through the tender evaluation process, it was determined that the current allocation of project funds is not sufficient to enable the construction of the fourth netball court shelter. This option has been removed from the final lump sum price; however, it has been negotiated to remain as a cost option available to be adopted at a later stage if additional funding can be secured. It is proposed to refer the shortfall in funding to the Project Reference Group overseeing the range of projects occurring at Pinks Reserve to determine if other projects should be adjusted to allow for budget pressures associated with this and other proposed projects.

The evaluation panel recommends the tender from Greenline Construction Pty Ltd be accepted for a total lump sum price of \$1,959,050.00 (exclusive of GST and inclusive of selected tender options and exclusive of provisional sums) for the construction of three (3) netball court shelters.

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 Greenline Construction Pty Ltd for CT6753 Design & Construction of three (3) netball court shelters (courts 4, 5 and 6) at Pinks Sporting Reserve, Kilsyth for the total lump sum price of \$1,959,050.00 exclusive of GST, inclusive of selected tender options and exclusive of provisional sums (\$2,154,955.00 inclusive of GST).***
2. ***The Director Environment and Infrastructure be delegated the authority to sign the contract documents.***
3. ***The Chief Executive Officer be delegated the authority to extend the works to include the construction of Court 3 cost option at a cost of \$687,700.00 exclusive of GST, if the required additional funds can be sourced within the construction period.***
4. ***The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.***

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

To seek Council approval to enter a contract for the Design & Construction of three (3) Netball Court Shelters (courts 4, 5 and 6) at Pinks Sporting Reserve at Kilsyth.

RELATED COUNCIL DECISIONS

Council adopted the Pinks Reserve Master Plan and Concept Design in May 2020 which proposed improvements to all aspects of the reserve.

BACKGROUND

The Pinks Reserve Master Plan aligns with the State Governments October 2018 election commitment objectives and subsequent funding allocation.

The Pinks Reserve Master Plan identifies the long-term intention to eventually provide all courts with shelters to meet the increasing demand for undercover netball facilities in Kilsyth and surrounds.

Currently the Pinks Netball Precinct contains 12 netball courts and a pavilion. Two (2) netball courts were covered with court shelters in 2017/18 to enable increased participation and ability to conduct training and events during adverse weather conditions.

The demand for undercover courts has continued to grow, underpinning the project to provide a further three courts with shelters with an option to construct a fourth court shelter if budget permits. The works also include a sound wall to the north and east of the new courts to mitigate noise and light impacts to surrounding residential properties.

An invited tender process was conducted to ensure procurement compliance. A summary of the evaluation process is included as a Confidential Attachment to this report.

STRATEGIC LINKS

This report supports Council's Strategic framework in being a high performing organisation that listens and delivers quality, value for money services to our community.

The project is closely aligned with Council's strategic objectives as it will deliver on connected and healthy communities and will also deliver on quality infrastructure and liveable places.

CONSULTATION

The design of the facility has been through an extensive consultation process with multiple approval gateways prior to tender. Stakeholder consultation has included both external and internal stakeholders throughout the process.

The specification and tender documentation have been prepared in collaboration with an external consultant team, planning referral advice, internal stakeholders and Council's Major Projects team.

FINANCIAL IMPLICATIONS

The recommended tender award amount is within the allocated project budget which is made up of external funding from the State Government.

The tender proposal initially sought responses to construct shelters over four netball courts (courts 3, 4, 5 and 6) however following consideration of tender proposals there is insufficient funding available to progress with all four shelters and therefore it is currently proposed to only proceed with delivering shelters for courts 4, 5 and 6.

The Lilydale and Yarra Valley Netball Association have written to Council (circulated separately to Councillors) advising that they will contribute \$200,000 towards the inclusion of the shelter for court 3, however this will leave a funding shortfall of \$310,000.

There are number of projects that have been funded by the State Government for improvement as part of the Pinks Reserve Master Plan. The State Government election commitment funding announcement provided \$10.5 million towards Pinks Reserve's basketball, football, cricket, softball, netball, badminton, table tennis and recreational facilities. This included covering of up to six netball courts, upgrading of the Gary Tait

Pavilion (football/cricket), resurfacing of the Roy Baldwin Oval, an additional competition grade Basketball court to be constructed alongside other improvements within the Kilsyth Sports Centre, improvements to the badminton, table tennis and softball facilities and other works across the precinct for new lighting, fencing, paths and seating.

A Project Reference Group, comprising representatives of the sporting clubs at Pinks Reserve, has been established to oversee progress of the various projects. It is proposed to refer the shortfall in funding to the Project Reference Group to determine if other projects should be adjusted to allow for budget pressures associated with this and other proposed projects yet to be delivered.

If the Project Reference Group determines that other projects should be deferred to a later time to allow the additional netball court cover to proceed, it is recommended that the Chief Executive Officer be provided with the delegated authority to extend the works to include the construction of the Netball Court 3 cost option at a cost of \$687,700.00 exclusive of GST.

Confidential Attachment 1 provides further details of the budget breakdown and anticipated expenditure for the project.

Works are anticipated to commence in late October 2021 with an anticipated period for practical completion of 176 Master Builders Association of Victoria (MBAV) calendar days.

KEY ISSUES

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

Tenders were assessed for conformity with the tender documents and no tenders were eliminated from further evaluation as a result of major non-conformances.

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

Selection Criteria	Weighting
Price	50%
Capability/Capacity	15%
Quality/Sustainability	15%
Timeframes	20%
TOTAL	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 3(1)(d) of the *Local Government Act 2020*.

This report seeks Council approval to award a contract that complies with the Section 108 of the *Local Government Act 2020*.

Environmental Impacts

This has been considered as part of the project specification and evaluation process. There are no environmental impacts directly associated with this report. The recommended tenderer has an Environmental Management System and Quality Management System in place.

Social Impacts

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

Economic Impacts

This has been considered as part of the project specification and evaluation process. The recommended tenderer has committed to source 30% of goods, services and materials proposed for this contract from within Yarra Ranges.

Risk Assessment

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

CONCLUSION

The evaluation panel request that Council adopts the recommendations within this report.

ATTACHMENTS

- 1 CT6753 - Pinks Netball Shelters Confidential Attachment 1 - Final (*Confidential*)

7.8 Adrienne Court and Maxwell Court, Millgrove Intention to Levy a Special Charge

RESPONSIBLE OFFICER Director Environment & Infrastructure

SUMMARY

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas. This funding program has been named the Roads for the Community Initiative.

At its meeting on 24 September 2019 Council endorsed a list of roads to be constructed using this funding to be facilitated by means of Special Charge Schemes. Adrienne Court and Maxwell Court, Millgrove were included on this list of roads.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Adrienne Court and Maxwell Court, Millgrove.

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 23 November 2021, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Adrienne Court and Maxwell Court, Millgrove.*
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 2022 and concluding on 30 June 2032.*
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) \$7,000 per development unit.*
- (b) Plus financing cost of 3% 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 2023, 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 \$124,775 ("the amount to be paid"); comprising of \$108,500 for the cost of works and \$16,275 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 Star 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 23 November 2021, 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 23 November 2021, 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 thereof .*

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

It is proposed to notify affected landowners of Council's intent to levy a special charge for the construction of Adrienne Court and Maxwell Court, Millgrove.

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 Adrienne Court and Maxwell Court, Millgrove;
- 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; and
- Special benefit to landowners of properties, within the designated area of the scheme, abutting or gaining primary access via the proposed works.

RELATED COUNCIL DECISIONS

At its meeting on 24 September 2019, Council considered a report regarding the Federal Government Road Construction Funding Initiative and adopted recommendations including:

1. Council endorse the roads listed in Attachment 1 (of that report) for construction utilising the Federal Government funding initiative; and
2. Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

This report has been published on Council's website and is available by searching the Agenda for the 24 September 2019 Ordinary Meeting:

https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv_OC%20CL%20Public%20Meetings=%28pageindex=4%29

BACKGROUND

Adrienne Court and Maxwell Court, Millgrove are local roads approximately 135 metres in combined length, connecting abutting properties to McKenzie King Drive.

At its meeting on 24 September 2019 Council considered a report on funding, to be allocated by the Federal Government, for sealing roads within the Dandenong Ranges and surrounding areas.

Council endorsed a list of roads to be constructed using this funding, to be facilitated by means of Special Charge Schemes. Adrienne Court and Maxwell Court, Millgrove were included on the endorsed list of roads.

Council resolved that Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

In accordance with Council's Special Charge Scheme Policy, landowner support has been sought and obtained for construction of the road. The project has been listed in Council's 2020/21 - 2022/23 Capital Expenditure Program.

The 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.

The Federal Government funding commitment of \$150 million over 10 years will have a transformational impact on unmade roads throughout the Dandenong's and urban growth areas of the municipality.

The key principles of the program are to construct unmade roads:

- Servicing schools, community facilities and sporting facilities;
- Within the urban growth boundary and township areas within Yarra Ranges;
- That significantly support bushfire risk and emergency situations to allow the community to safely exit areas of high risk;
- That support the growth and development of tourism across the municipality; and
- Where sections of high-volume rural roads intersect with collector/arterial roads.

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 Adrienne Court and Maxwell Court, Millgrove offers benefits, as the roads are within the urban growth boundary, intersect with McKenzie King Drive and would complete an existing sealed road network.

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

CONSULTATION

In February 2020 landowners along Adrienne Court and Maxwell Court, Millgrove were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the road. Results were as follows.

- 15 (88%) of landowners responded to the survey.

Of those landowners who responded to the survey:

- 9 (60%) supported the proposed Special Charge Scheme;
- 5 (33%) opposed the proposed Special Charge Scheme; and
- 1 (7%) was undecided.

Landowners were advised that sufficient landowner support for the proposed Special Charge Scheme had been identified and design would commence along with preparation of an online landowner briefing.

Due to Covid-19 restrictions, a traditional public meeting and/or drop in session for landowners along Adrienne Court and Maxwell Court, Millgrove could not be held. As an alternative, a letter was mailed to landowners inviting them to view an on-line briefing presentation detailing the standard of works and the statutory processes required to implement a Special Charge Scheme.

The briefing presentation has been available for viewing on Council's website. Landowners were informed that any questions regarding the project could be discussed either over the phone or at an onsite meeting with Council officers, subject to COVID-19 restrictions easing.

Those landowners unable to access the internet were advised that a copy of the presentation and functional design plans could be mailed to them on request.

FINANCIAL IMPLICATIONS

Based on preliminary estimates for road improvements to Adrienne Court and Maxwell Court, Millgrove an amount of \$685,000 has been allocated in Council's 2020/21 to 2022/23 Capital Expenditure Budgets.

Following detailed design for the project the estimated cost of works has been determined as \$177,397. The decrease to budget estimate is because Hodge Court, Lillis Court and Margaret Court were removed from the proposed Special Charge Scheme due to insufficient landowner support.

At its meeting on 24 September 2019 Council resolved that Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

The landowner contribution to the project will be fixed at \$108,500 (subject to the outcome of any submissions to the Special Charge Scheme).

As listed in Attachment 4 - Schedule of Costs per Property, this results in a subsidy for landowners of \$33,417 over and above Council's normal 20% contribution towards Special Charge Scheme projects, equating to a landowner saving per development unit of \$2,156.

Through the process of tendering, delivering and finally costing the overall project, any savings would first be directed towards this subsidy prior to proportionately sharing with landowners as described in Council's Special Charge Scheme policy.

Council's contribution to the project is estimated to be \$68,897 and will be funded by the Federal Government Roads for the Community Initiative.

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

Scheme Details

Estimated Scheme Cost	\$177,397
<u>Less</u> Council's 20% Contribution	\$35,479
<u>Less</u> Subsidy for Federal Government Funding Ceiling of \$7,000 per benefit unit	\$33,417
Balance of estimated cost to be recovered from landowners (excluding financing costs)	\$108,500

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 landowner component of the project is to be provided from cash reserves. The financing cost rate is determined utilising information from the Victorian State

Government Department of Treasury and Finance. The financing cost rate applicable is 3.0%.

Financing costs are to be recovered from landowners who choose not to pay in full by 15 February 2023. Total landowners' estimated share for the works is \$108,500 plus an amount of \$16,275 for financing costs.

Period for Which Special Charge Remains in Force

The special charge remains in force for the period commencing 1 July 2022 and concluding on 30 June 2032, 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 2023. 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 Adrienne Court and Maxwell Court, Millgrove

A search of Council's records indicates that Adrienne Court and Maxwell Court, Millgrove 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 Sections 8 and 10 of the *Local Government Act 2020* which identifies the role and powers of Councils.

Nature and Purpose of Special Charge

As a result of landowner consultation, significant support has been identified from landowners along Adrienne Court and Maxwell Court, Millgrove 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 Adrienne Court and Maxwell Court, Millgrove as shown in Attachment 2 – Designated Area.

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 NRZ5– Neighbourhood Residential Zone- Schedule 5 of the Yarra Ranges Planning Scheme.

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

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; and
- Enhancement of visual amenity of the area.

The proposed works will not require any tree removal. 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 for Adrienne Court and Maxwell Court, Millgrove:

- Approximately 135 metres urban standard asphalt road 5 metres wide (including wider court bowl / turnaround area) and;
- Concrete rollover kerb and channel.

These works are considered to be of an appropriate standard to service Adrienne Court and Maxwell Court, Millgrove, 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 is a calculation of Special Benefit and Maximum Total Levy, a plan showing the Designated Area, Estimated Cost of Works and Schedule of Costs per Property for road improvement works to Adrienne Court and Maxwell Court, Millgrove.

Environmental Impacts

The proposed works will not require any tree removal. 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.

The works will enhance the environmental amenity, through the reduction in dust.

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 roads would provide the following benefits/risk reduction to landowners:

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Adrienne Court and Maxwell Court, Millgrove;
- Improved stormwater drainage runoff control directed towards the roads from abutting properties, and protection of low side properties from stormwater runoff from the roads; and
- Enhanced physical and environmental amenity for abutting properties.

It is noted that these roads 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 Council's Community Links for at least 28 days after the publication of the notice.

Due to current COVID-19 restrictions the public notice will advise a copy of the proposed declaration is available online by searching Council's website for the Agenda of the 28 September 2021 Council meeting.

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

Submissions

Council or a Delegated 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 Delegated Committee of Council 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 23 November 2021, or should this meeting not proceed then the next available meeting; and
- Copies of submissions (excluding submitter's names and addresses) will be made available at the Council meeting when submissions are considered.

DECLARATION OF THE SPECIAL CHARGE

It is recommended that Council at its meeting scheduled for 23 November 2021 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 effective issue of the notice levying the charge, apply to the Victorian Civil and Administrative Tribunal for a review of the decision.

CONCLUSION

It is recommended that Council advise the affected landowners of its intent to declare a special charge for Adrienne Court and Maxwell Court, Millgrove 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[↓](#)

Adrienne Court and Maxwell Court, Millgrove

Calculation of Special Benefit and Maximum Total Levy

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

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

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

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

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

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

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

TCB - is the estimated total community benefit.

R - is the benefit ratio.

Properties included in the scheme - TSB (in)

It is proposed to include 17 properties within the scheme which having regard to development result in 15.5 development units for those properties that abut or gain primary access via Adrienne Court and Maxwell Court, Millgrove . The criteria considered appropriate for differentiating between special benefit received by these properties compared to properties not included in the scheme and the broader community are as follows:

- works will provide continued and safer vehicular access to and from properties abutting or gaining primary access via Adrienne Court and Maxwell Court, Millgrove
- works take waters flowing from the lands or premises towards other lands or premises
- works take waters flowing towards the land or premises from other lands or premises
- works enhance the physical and environmental amenity of the land and local area.

TSB (in) is therefore calculated as having a result of 15.5.

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

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

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

Community benefits – TCB

As Adrienne Court and Maxwell Court, Millgrove do not act as collector roads for the benefit of the broader community and there is no community facility that may derive a special benefit from the works, it is considered that a community benefit is not applicable in this scheme.

TCB is therefore calculated as having a result of 0.

Maximum Total Levy

Having regard to "properties not included in the scheme receiving special benefit" and "community benefits", it is considered that the 17 landowners within the proposed special charge will receive 100 percent of the overall benefit as a Benefit Ratio (R) for the proposed scheme by applying the above factors to the Ministerial Guidelines formula.

The calculation of the Maximum Total Levy therefore equates to \$177,397 (Cost of Scheme works).

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

Manner of assessment and levy

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

- all lands within the designated area, described above
- the zoning of those lands, their existing and potential use
- the special benefit to each of those lands
- the accessibility of the works for those lands.

The basis of apportionment has been formulated in accordance with Council's Special Rates and Charges Policy 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 of the land.

Generally, lots will be charged one development unit where access to the property is primarily taken directly from Adrienne Court and Maxwell Court, Millgrove. Instances where a residential property takes primary access from an

alternative road and has an additional abuttal to Adrienne Court and Maxwell Court, Millgrove as sideage or rearage, the property would then be generally charged one half of a development unit.

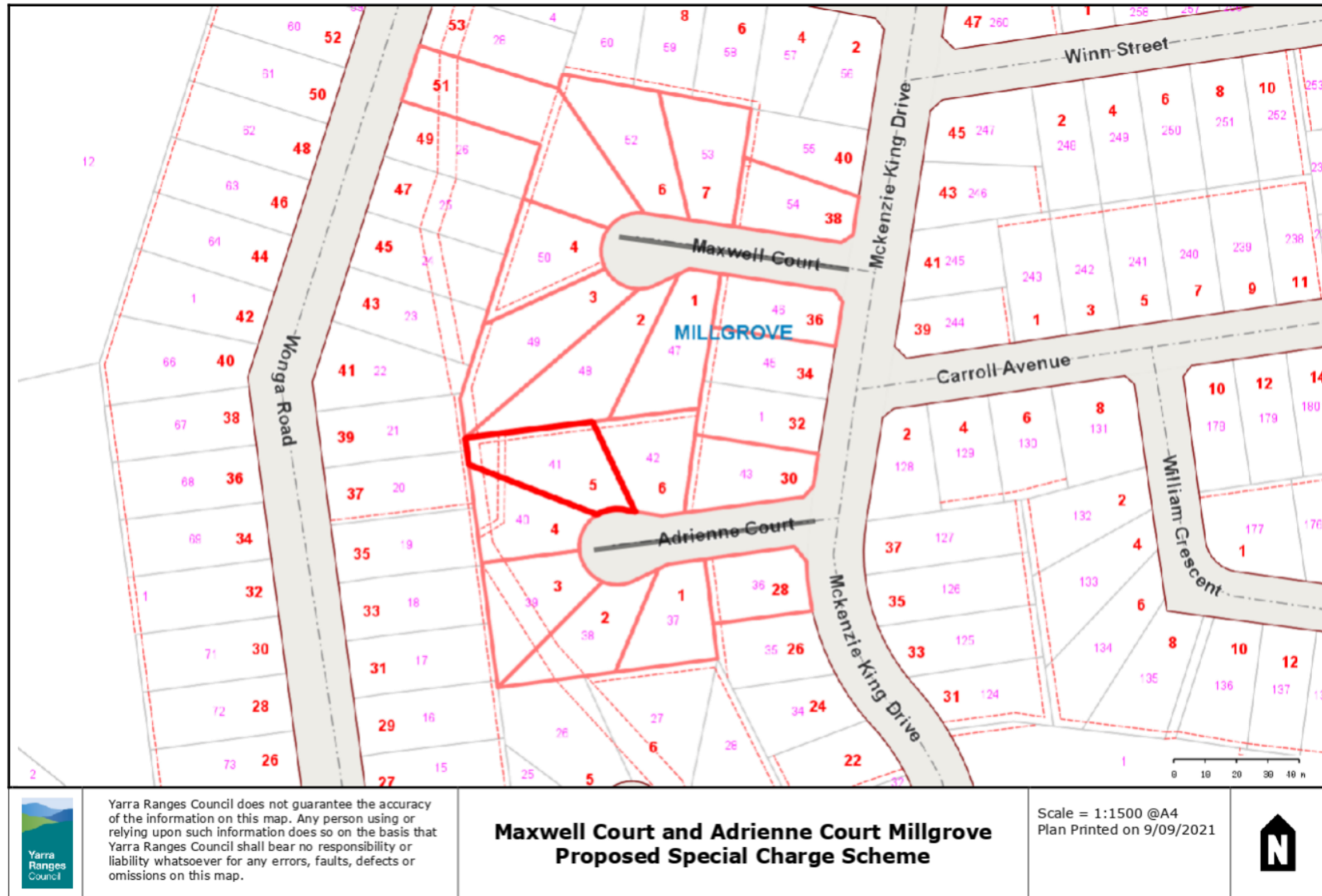
With regard to individual properties:

- 30 McKenzie King Drive, Millgrove
This property levied 0.50 development units. Sideage abuttal to Adrienne Court. Primary access is gained via McKenzie King Drive.
- 36 McKenzie King Drive, Millgrove
This property levied 0.50 development units. Sideage abuttal to Maxwell Court. Primary access is gained via McKenzie King Drive.
- 38 McKenzie King Drive, Millgrove
This property levied 0.50 development units. Sideage abuttal to Maxwell Court. Primary access is gained via McKenzie King Drive.

The basis of allocated charge to properties has been calculated from:-

- (a) \$7,000 (fixed) per development unit.
- (b) plus financing cost of 3% per annum.

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



ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:		V200568A		DATE:	1-Sep-21
PROJECT:		Maxwell Court and Adrienne Court Package 3 SCS IMPROVEMENT WORKS			
TOTAL SCHEME COSTS:				\$177,396.85	
COUNCIL COSTS:				\$0.00	
TOTAL PROJECT COST:				\$177,396.85	

Item	Description	Quantity	Unit	Rate	Amount
1	PRELIMINARIES				
1.1	All works necessary to establish and maintain the site inclusive of pedestrian safety and traffic management measures, environmental management, occupational health & safety, protective fencing, for duration of construction	1	item	\$10,000.00	\$10,000.00
1.2	Preparation of worksites and protection of environmental significance areas by fencing in accordance to Environmental Management Plans and comply with the Flora & Fauna and Habitat Assessment as specified.	1	item	\$4,000.00	\$4,000.00
	DEMOLITION				
1.3	Grubbing and clearing including taking up, removal and/or salvage of all existing redundant concrete, pipework, trees etc. as specified at per item. Includes Sawcut existing asphalt pavement where adjoining new full depth pavement	1	item	\$4,000.00	\$4,000.00
1.4	Setout of works. Including Cut to Fill and Cit to dispose	1	item	\$3,000.00	\$3,000.00
2.4	Demolition of existing kerb and channel	153	lin.m	\$35.00	\$5,355.00
	CONCRETE Works				
2.3	Kerb and channel to Council standard as indicated on plan	309	lin.m	\$99.00	\$30,591.00
	ROAD PAVEMENT				
	Prepare existing basecourse crushed rock layer for road construction, including shaping and rotor milling top 50mm and combining with regulation material, compacted to 98% modified MDD.	943	m2	\$20.00	\$18,860.00
2.1	Regulation Base Course - Supply new 20mm nominal Size class 2 fine crushed rock, compacted to 98% modified MDD.	10	m3	\$140.00	\$1,400.00
2.2	Asphalt wearing course - Supply and compact 50mm depth of size 14 Type H Asphalt with a C320 binder	943	m2	\$31.00	\$29,233.00
	REGRAIDING WORKS				
	Removal and regrading of gravel crossings	181	m2	\$50.00	\$9,050.00
	Removal and regrading of bitumen crossings	12	m2	\$100.00	\$1,200.00
	ANCILLARY ITEMS				
	Regrade and re-topsoil nature strip to an even depth of 50mm with imported local topsoil and grass seeds as specified.	309	sqm	\$10.00	\$3,090.00
	PROVISIONAL ITEMS				

ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:	V200568A	DATE:	1-Sep-21		
PROJECT:	Maxwell Court and Adrienne Court Package 3 SCS IMPROVEMENT WORKS				
TOTAL SCHEME COSTS:	\$177,396.85				
COUNCIL COSTS:	\$0.00				
TOTAL PROJECT COST:	\$177,396.85				
3.1	Supply all plant, materials and labour for the excavation of soft or unsuitable subgrade, backfill and compacted with 3% cement treated crushed rock, as specified. Installation of 100mm diameter agricultural pipe drains (Class 400), excavate, supply, lay and backfill as specified Additional cost for adjusting Pavement Widening Sub base to a 150mm depth of 20mm Class 3 FCR 3% cement Provision of as constructed plans to Council. Allowance to top up and reseed areas where topsoil has settled 3-6 months after construction.	5 153 153 1 309	Cub.m lin.m. sq.m item sqm	\$200.00 \$30.00 \$20.00 \$1,000.00 \$10.00	\$1,000.00 \$4,590.00 \$3,060.00 \$1,000.00 \$3,090.00
TOTAL CONSTRUCTION COST					\$132,519.00
Scheme preperation, supervision, administration etc. 5%					\$6,625.95
Engineer Consultants and other Costs					\$25,000.00
Tree Management (Arborist Assessment, Tree Offsets, Tree Removal) 0%					\$0.00
Contingency sum 10%					\$13,251.90
TOTAL SCHEME COST					\$177,396.85

ATTACHMENT 4. Schedule of Costs per Property

Adrienne Court and Maxwell Court, Millgrove
Proposed Special Charge Scheme

PROJECT COST SUMMARY:			COUNCIL COST SUMMARY:			APPORTIONMENT SUMMARY:		
Total Project Cost	\$177,397		Council 20% Contribution	\$35,479		Unit Ratio =	100%	
Less Council Cost only Items			Abuttal to Crown Land			Total Landowner Units =	15.50	
Total Scheme Cost	\$177,397		Subsidy for costs above FedFund ceiling	\$33,417		Total Council Units =	Nil	
Total Council Contribution	\$68,897		Total Council Scheme Cost	\$68,897		\$ / Unit =	\$9,156	
Total Landowner Contribution	\$108,500		Council Cost only Items	\$0		FedFund Ceiling \$/ Unit =	\$7,000	
Financing Costs	\$16,275		Total Council Project Cost	\$68,897		FedFund Subsidy \$/ Unit =	\$2,156	
DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
Lot 37 LP89427 Ca P 1	Adrienne Court	45597	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 38 LP89427 Ca P 2	Adrienne Court	45598	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 39 LP89427 Ca P 3	Adrienne Court	45599	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 40 LP89427 Ca P 4	Adrienne Court	45600	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 41 LP89427 Ca P 5	Adrienne Court	45601	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 42 LP89427 Ca P 6	Adrienne Court	45602	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 36 LP89427 Ca P 28	McKenzie King Drive	45861	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 43 LP89427 Ca P 30	McKenzie King Drive	45862	0.5	\$4,578	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 46 LP89429 Ca P 36	McKenzie King Drive	45865	0.5	\$4,578	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 54 LP89429 Ca P 38	McKenzie King Drive	45866	0.5	\$4,578	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 47 LP89429 Ca P 1	Maxwell Court	45929	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 48 LP89429 Ca P 2	Maxwell Court	45930	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 49 LP89429 Ca P 3	Maxwell Court	45931	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 50 LP89429 Ca P 4	Maxwell Court	45932	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 52 LP89429 Ca P 6	Maxwell Court	45933	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 53 LP89429 Ca P 7	Maxwell Court	45934	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
CP153482 Ca PTS14	51 Wonga Road	46360	1	\$9,156	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Totals			15.50	\$141,917	\$108,500	\$16,275	\$124,775	\$12,478

7.9 Black Street and Robert Street, Lilydale Intention to Levy a Special Charge

RESPONSIBLE OFFICER Director Environment & Infrastructure

SUMMARY

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas. This funding program has been named the Roads for the Community Initiative.

At its meeting on 24 September 2019 Council endorsed a list of roads to be constructed using this funding to be facilitated by means of Special Charge Schemes. Black Street and Robert Street, Lilydale were included on this list of roads.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Black Street and Robert Street, Lilydale.

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 23 November 2021, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Black Street and Robert Street, Lilydale.***
- 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 2022 and concluding on 30 June 2032.***
- 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) \$7,000 per development unit.*
- (b) Plus financing cost of 3% 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 2023, 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 \$177,100 ("the amount to be paid"); comprising of \$154,000 for the cost of works and \$23,100 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 Star 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 23 November 2021, 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 23 November 2021, 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 thereof .*

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

It is proposed to notify affected landowners of Council's intent to levy a special charge for the construction of Black Street and Robert Street, Lilydale.

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 Black Street and Robert Street, Lilydale;
- Improved stormwater drainage runoff control directed towards the road from abutting properties and protection of low side properties from stormwater runoff from the road;
- Enhanced physical and environmental amenity for abutting properties; and
- Special benefit to landowners of properties, within the designated area of the scheme, abutting or gaining primary access via the proposed works.

RELATED COUNCIL DECISIONS

At its meeting on 24 September 2019, Council considered a report regarding the Federal Government Road Construction Funding Initiative and adopted recommendations including:

1. Council endorse the roads listed in Attachment 1 (of that report) for construction utilising the Federal Government funding initiative; and
2. Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

This report has been published on Council's website and is available by searching the Agenda for the 24 September 2019 Ordinary Meeting:

https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv_OC%20CL%20Public%20Meetings=%28pageindex=4%29

BACKGROUND

Black Street and Robert Street, Lilydale are local roads approximately 137 metres in length, connecting abutting properties to Cave Hill Road.

At its meeting on 24 September 2019 Council considered a report on funding, to be allocated by the Federal Government, for sealing roads within the Dandenong Ranges and surrounding areas.

Council endorsed a list of roads to be constructed using this funding, to be facilitated by means of Special Charge Schemes. Black Street and Robert Street, Lilydale were included on the endorsed list of roads.

Council resolved that Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

In accordance with Council's Special Charge Scheme Policy, landowner support has been sought and obtained for construction of the road. The project has been listed in Council's 2020/21 - 2022/23 Capital Expenditure Program.

The 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.

The Federal Government funding commitment of \$150 million over 10 years will have a transformational impact on unmade roads throughout the Dandenong's and urban growth areas of the municipality.

The key principles of the program are to construct unmade roads:

- Servicing schools, community facilities and sporting facilities;
- Within the urban growth boundary and township areas within Yarra Ranges;
- That significantly support bushfire risk and emergency situations to allow the community to safely exit areas of high risk;
- That support the growth and development of tourism across the municipality; and
- Where sections of high-volume rural roads intersect with collector/arterial roads.

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 Black Street and Robert Street, Lilydale offers benefits, as the roads are within the urban growth boundary, intersects with Cave Hill Road and would complete an existing sealed road network.

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

CONSULTATION

In February 2021 landowners along Black Street and Robert Street, Lilydale were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the roads. Results were as follows.

- 19 (83%) of landowners responded to the survey.

Of those landowners who responded to the survey:

- 13 (68%) supported the proposed Special Charge Scheme; and
- 6 (32%) opposed the proposed Special Charge Scheme.

Landowners were advised that sufficient landowner support for the proposed Special Charge Scheme had been identified and design would commence with an invitation to attend an online landowner briefing to be sent in the 2021/22 financial year.

Due to Covid-19 restrictions, a traditional public meeting and/or drop in session for landowners along Black Street and Robert Street, Lilydale could not be held. As an alternative, a letter was mailed to landowners inviting them to view an on-line briefing presentation detailing the standard of works and the statutory processes required to implement a Special Charge Scheme.

The briefing presentation has been available for viewing on Council's website. Landowners were informed that any questions regarding the project could be discussed either over the phone or at an onsite meeting with Council officers, subject to COVID-19 restrictions easing.

Those landowners unable to access the internet were advised that a copy of the presentation and functional design plans could be mailed to them on request.

FINANCIAL IMPLICATIONS

Based on preliminary estimates for road improvements to Black Street and Robert Street, Lilydale an amount of \$409,000 has been allocated in Council's 2020/21 to 2022/23 Capital Expenditure Budgets.

Following detailed design for the project the estimated cost of works has been determined as \$192,500. The decrease to budget estimate is because Taylor Street, Lilydale was removed from the Special Charge Scheme due to insufficient landowner support.

At its meeting on 24 September 2019 Council resolved that Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

The landowner contribution to the project will be fixed at \$154,000 (subject to the outcome of any submissions to the Special Charge Scheme).

Through the process of tendering, delivering and final costing the overall project, any savings would be allocated in accordance with Council's Special Charge Scheme Policy.

Council's contribution to the project is estimated to be \$38,500 and will be funded by the Federal Government Roads for the Community Initiative.

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

Scheme Details

Estimated Scheme Cost	\$192,500
<u>Less</u> Council's 20% Contribution	\$38,500
Balance of estimated cost to be recovered from landowners (excluding financing costs)	\$154,000

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 landowner component of the project is to be provided from cash reserves. The financing cost rate is determined utilising information from the Victorian State Government Department of Treasury and Finance. The financing cost rate applicable is 3.0%.

Financing costs are to be recovered from landowners who choose not to pay in full by 15 February 2023. Total landowners' estimated share for the works is \$154,000 plus an amount of \$23,100 for financing costs.

Period for Which Special Charge Remains in Force

The special charge remains in force for the period commencing 1 July 2022 and concluding on 30 June 2032, 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 2023. 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 Black Street and Robert Street, Lilydale***

A search of Council's records indicates that Black Street and Robert Street, Lilydale 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 Sections 8 and 10 of the *Local Government Act 2020* which identifies the role and powers of Councils.

Nature and Purpose of Special Charge

As a result of landowner consultation, significant support has been identified from landowners along Black Street and Robert Street, Lilydale 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 Black Street and Robert Street, Lilydale as shown in Attachment 2 – Designated Area.

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 Residential Growth Zone- Schedule 1 of the Yarra Ranges Planning Scheme.

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

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; and
- Enhancement of visual amenity of the area.

The proposed works will not require any tree removal. 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 for Black Street and Robert Street, Lilydale:

- Approximately 137 metres urban standard asphalt road generally 3.5 metres trafficable width following the existing road formation; and
- Centrally located concrete spoon drain and grated pits connecting to existing underground drainage in Black Street.

These works are considered to be of an appropriate standard to service Black Street and Robert Street, Lilydale, 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 is a calculation of Special Benefit and Maximum Total Levy, a plan showing the designated area, estimate of cost of works and schedule of costs per property for road improvement works to Black Street and Robert Street, Lilydale.

Environmental Impacts

The proposed works will not require any tree removal. 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.

The works will enhance the environmental amenity, through the reduction in dust.

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 roads would provide the following benefits/risk reduction to landowners:

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Black Street and Robert Street, Lilydale;
- Improved stormwater drainage runoff control directed towards the roads from abutting properties, and protection of low side properties from stormwater runoff from the roads; and
- Enhanced physical and environmental amenity for abutting properties.

It is noted that these roads 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 Council's Community Links for at least 28 days after the publication of the notice.

Due to current COVID-19 restrictions the public notice will advise a copy of the proposed declaration is available online by searching Council's website for the Agenda of the 28 September 2021 Council meeting.

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

Submissions

Council or a Delegated 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 Delegated Committee of Council 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 23 November 2021, or should this meeting not proceed then the next available meeting; and
- Copies of submissions (excluding submitter's names and addresses) will be made available at the Council meeting when submissions are considered.

DECLARATION OF THE SPECIAL CHARGE

It is recommended that Council at its meeting scheduled for 23 November 2021 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 effective issue of the notice levying the charge, apply to the Victorian Civil and Administrative Tribunal for a review of the decision.

CONCLUSION

It is recommended that Council advise the affected landowners of its intent to declare a special charge for Black Street and Robert Street, Lilydale 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[↓](#)

Black Street and Robert Street, Lilydale

Calculation of Special Benefit and Maximum Total Levy

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

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

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

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

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

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

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

TCB - is the estimated total community benefit.

R - is the benefit ratio.

Properties included in the scheme - TSB (in)

It is proposed to include 23 properties within the scheme which having regard to development result in 22 development units for those properties that abut or gain primary access via Black Street and Robert Street, Lilydale. The criteria considered appropriate for differentiating between special benefit received by these properties compared to properties not included in the scheme and the broader community are as follows:

- works will provide continued and safer vehicular access to and from properties abutting or gaining primary access via Black Street and Robert Street, Lilydale
- works take waters flowing from the lands or premises towards other lands or premises
- works take waters flowing towards the land or premises from other lands or premises
- works enhance the physical and environmental amenity of the land and local area.

TSB (in) is therefore calculated as having a result of 22.

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

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

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

Community benefits – TCB

As Black Street and Robert Street, Lilydale do not act as collector roads for the benefit of the broader community and there is no community facility that may derive a special benefit from the works, it is considered that a community benefit is not applicable in this scheme.

TCB is therefore calculated as having a result of 0.

Maximum Total Levy

Having regard to "properties not included in the scheme receiving special benefit" and "community benefits", it is considered that the 23 landowners within the proposed special charge will receive 100 percent of the overall benefit as a Benefit Ratio (R) for the proposed scheme by applying the above factors to the Ministerial Guidelines formula.

The calculation of the Maximum Total Levy therefore equates to \$192,500.

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

Manner of assessment and levy

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

- all lands within the designated area, described above
- the zoning of those lands, their existing and potential use
- the special benefit to each of those lands
- the accessibility of the works for those lands.

The basis of apportionment has been formulated in accordance with Council's Special Rates and Charges Policy 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 of the land.

Generally, lots will be charged one development unit where access to the property is primarily taken directly from Black Street and Robert Street, Lilydale. Instances where a residential property takes primary access from an alternative road and has an additional abuttal to Black Street and Robert Street, Lilydale

as sideage or rearage, the property would then be generally charged one half of a development unit.

With regard to individual properties:

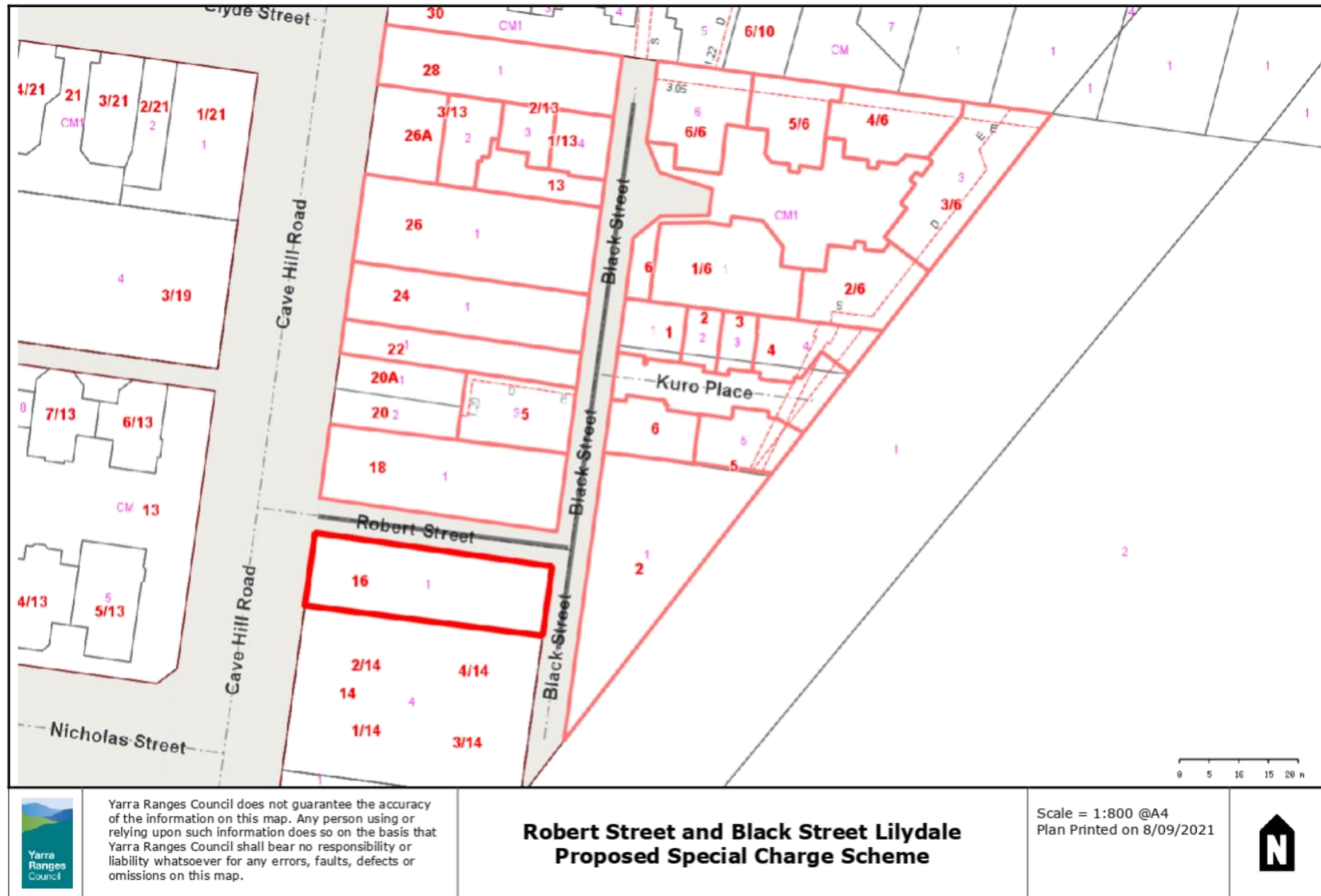
- 26 Cave Hill Road, Lilydale
This property levied 0.50 development units. Rearage abuttal to Black Street. Primary access is gained via Cave Hill Road.
- 28 Cave Hill Road, Lilydale
This property levied 0.50 development units. Rearage abuttal to Black Street. Primary access is gained via Cave Hill Road.

The basis of allocated charge to properties has been calculated from:-

- (a) \$7,000 (fixed) per development unit.
- (b) plus financing cost of 3% per annum.

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

ATTACHMENT 2. Designated Area



ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:		DATE:		1-Sep-21	
PROJECT:		BLACK STREET & ROBERT STREET, LILYDALE ROAD IMPROVEMENT WORKS SCS			
TOTAL COSTS:		\$192,500.00			
Item	Description	Quantity	Unit	Rate	Amount
1	SITE PREPARATION/PRELIMINARIES				
1.1	Site establishment, set out and clean up, installation & maintaining sediment control, Environmental Management Plan, OH&S, Site Management Plan, Traffic Management Plan, Council permits, temporary fencing, setout, erection and maintenance of warning signs, lights and barriers.	1	Item	\$ 10,000.00	\$ 10,000.00
2	REMOVAL WORKS				
2.1	Grubbing and clearing including sawcutting, taking up, removal and/or salvage of all existing redundant concrete, pipework, endwalls, guide posts, retaining walls, pits, trees, planting, etc. as specified. (Removal of Concrete Kerb & Channel=10Lin.m), (Removal of Concrete Footpath Spoon Drain=4Lin.m), (Removal of Concrete Vehicle Crossings=5Sq.m)	1	Item	\$ 4,500.00	\$ 4,500.00
3	EARTHWORKS				
3.1	Earthworks including excavation, forming, grading, boxing, filling, trimming, compaction of sub-grade, lowering of all private services, provision of access at existing driveway entrances, as directed and specified. (Approx. Cut=130m3 solid)	130	m3	\$ 100.00	\$ 13,000.00
4	ROAD PAVEMENT				
4.1	Sub-base Course - Nominal 150mm thick compacted depth, Size 20mm Class 2 Crushed Rock	384	sq.m.	\$ 55.00	\$ 21,120.00
4.2	Asphalt Wearing Course - Nominal 50mm thick compacted depth, size 10mm stone, type N Wearing Course	384	sq.m.	\$ 70.00	\$ 26,880.00
5	CONCRETE WORKS				
5.1	KERB AND CHANNEL				
5.1.1	Concrete rollover kerb and channel cast-in-situ, inclusive of all vehicular openings and pram crossings placed where directed, laid on 50mm compacted thickness of approved bedding material. All as per SD/B1.	10	L.m	\$ 140.00	\$ 1,400.00
5.1.2	Concrete M2 Spoon Drain cast-in-situ, laid on 50mm compacted thickness of approved bedding material. All as per SD/B2.	130	L.m	\$ 140.00	\$ 18,200.00
5.1.3	Concrete Footpath Spoon Drain cast-in-situ, laid on 50mm compacted thickness of approved bedding material.	4	L.m	\$ 90.00	\$ 360.00
5.1.4	Concrete 300mm wide edge strip cast-in-situ, including 'kerb transitioning', laid on 50mm compacted thickness of approved bedding material. All as per SD/B2.	4	L.m	\$ 100.00	\$ 400.00

ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:		DATE:		1-Sep-21	
PROJECT:		BLACK STREET & ROBERT STREET, LILYDALE ROAD IMPROVEMENT WORKS SCS			
TOTAL COSTS:		\$192,500.00			
5.2	CONCRETE PAVING				
5.2.1	Construct 150mm thick concrete footpath on 50mm depth size 20mm Class 2 crushed rock bedding. All as per council SD/B5.	1	sq.m.	\$ 180.00	\$ 180.00
5.2.2	Construct concrete vehicle crossing as per council Std. Dwg. SD/C2.	35	sq.m.	\$ 180.00	\$ 6,300.00
5.2.3	Construct 'reverse fall' concrete vehicle crossing as per council Std. Dwg. SD/C2.	22	sq.m.	\$ 180.00	\$ 3,960.00
6	SIGNS				
6.1	Reinstate/relocate existing sign as shown on plans, as directed by Council's Superintendent.	1	No.	\$ 200.00	\$ 200.00
7	DRAINAGE PIPES				
7.1	Class 2, 300mm diameter rubber ring jointed pipe, supplied, excavated, laid, jointed and backfilled with class 2 FCR backfill, including bedding materials, as specified.	5	L.m	\$ 450.00	\$ 2,250.00
8	DRAINAGE PITS				
8.1	Grated pit 1000mm long x 750mm wide internal dimensions (up to 1.5m deep) as per Council Std. Dwg. SD/P6. Grate to be Council Approved Heavy Duty Type V-Grate or equivalent.	4	No.	\$ 3,000.00	\$ 12,000.00
8.2	Junction pit 1000mm long x 750mm wide internal dimensions (up to 1.5m deep) as per Council Std. Dwg. SD/P4 with Council Approved Pit Lid.	3	No.	\$ 2,500.00	\$ 7,500.00
9	MISCELLANEOUS				
9.1	Regrade and mulch nature strip to an even depth of 50mm with imported local mulch and grass seeds as specified.	250	sq.m.	\$ 20.00	\$ 5,000.00
10	PROVISIONAL ITEMS				
10.1	Provision of as constructed plans to Council.	1	item	\$ 800.00	\$ 800.00
10.2	Excavation of soft or unsuitable subgrade, backfill and compacted with 3% cement treated crushed rock, as specified. This item includes pavement subbase for new pavement areas.	20	cu.m.	\$ 250.00	\$ 5,000.00
10.3	Allowance to top up areas where mulch has settled 3-6 months after construction.	250	m²	\$ 15.00	\$ 3,750.00
SUB-TOTAL					\$142,800.00
	Scheme preperation, supervision, administration etc. 5%				\$7,140.00
	Engineer Consultants and other costs				\$28,280.00
	Contingency sum 10%				\$14,280.00
TOTAL SCHEME COST				\$192,500.00	

ATTACHMENT 4. Schedule of Costs per Property

Black Street and Robert Street, Lilydale
Proposed Special Charge Scheme

PROJECT COST SUMMARY:			COUNCIL COST SUMMARY:			APPORTIONMENT SUMMARY:		
Total Project Cost	\$192,500		Council 20% Contribution	\$38,500		Unit Ratio =	100%	
Less Council Cost only Items			Abuttal to Crown Land			Total Landowner Units =	22.00	
Total Scheme Cost	\$192,500		Subsidy for costs above FedFund ceiling	\$0		Total Council Units =	Nil	
Total Council Contribution	\$38,500		Total Council Scheme Cost	\$38,500		\$ / Unit =	\$7,000	
Total Landowner Contribution	\$154,000		Council Cost only Items	\$0		FedFund Ceiling \$/ Unit =	\$7,000	
Financing Costs	\$23,100		Total Council Project Cost	\$38,500		FedFund Subsidy \$/ Unit =	\$0	
DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
Lot 25 Sec 30 Ca PT	2 Black Street	785	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS620606 Ca P	1/6 Black Street	787	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 9 Sec 30 Ca PTC	16 Cave Hill Road	1308	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 TP9431 Sec 30	18 Cave Hill Road	1309	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 6 Sec 30 Ca PT9	22 Cave Hill Road	1311	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 5 Sec 30 Ca PTC	24 Cave Hill Road	1312	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 Sec 30 Ca PTC	26 Cave Hill Road	1313	0.5	\$3,500	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 1 Sec 30 Ca PTC	28 Cave Hill Road	1315	0.5	\$3,500	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 2 PS620606 Ca P	2/6 Black Street	87028	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 3 PS620606 Ca P	3/6 Black Street	87029	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 4 PS620606 Ca P	4/6 Black Street	87030	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 5 PS620606 Ca P	5/6 Black Street	87031	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 6 PS620606 Ca P	6/6 Black Street	87032	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 PS805288 Sec	3/13 Black Street	92752	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 3 PS805288 Sec	2/13 Black Street	92753	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 4 PS805288 Sec	1/13 Black Street	92754	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 3 PS803500 Sec	5 Black Street	92871	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS835940 Sec	1 Kuro Place	93570	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 PS835940 Sec	2 Kuro Place	93571	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 3 PS835940 Sec	3 Kuro Place	93572	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 4 PS835940 Sec	4 Kuro Place	93573	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 5 PS835940 Sec	5 Kuro Place	93574	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 6 PS835940 Sec	6 Kuro Place	93575	1	\$7,000	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Totals			22.00	\$154,000	\$154,000	\$23,100	\$177,100	\$17,710

7.10 Morna Street and Oaks Street, Lilydale Intention to Levy a Special Charge

RESPONSIBLE OFFICER Director Environment & Infrastructure

SUMMARY

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas. This funding program has been named the Roads for the Community Initiative.

At its meeting on 24 September 2019 Council endorsed a list of roads to be constructed using this funding to be facilitated by means of Special Charge Schemes. Morna Street and Oaks Street, Lilydale were included on this list of roads.

This report recommends affected landowners be notified of Council's Intent to Levy a Special Charge for the construction of Morna Street and Oaks Street, Lilydale.

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 23 November 2021, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in Morna Street and Oaks Street, Lilydale.***
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 2022 and concluding on 30 June 2032.***
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) \$7,000 per development unit.*
- (b) Plus financing cost of 3% 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 2023, 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 \$219,363 ("the amount to be paid"); comprising of \$190,750 for the cost of works and \$28,613 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 Star 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 23 November 2021, 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 23 November 2021, 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 thereof .*

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

It is proposed to notify affected landowners of Council's intent to levy a special charge for the construction of Morna Street and Oaks Street, Lilydale.

The proposed improvement works will provide the following benefits to involved landowners:

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Morna Street and Oaks Street, Lilydale;
- Improved stormwater drainage runoff control directed towards the road from abutting properties and protection of low side properties from stormwater runoff from the road;
- Enhanced physical and environmental amenity for abutting properties; and
- Special benefit to landowners of properties, within the designated area of the scheme, abutting or gaining primary access via the proposed works.

RELATED COUNCIL DECISIONS

At its meeting on 24 September 2019, Council considered a report regarding the Federal Government Road Construction Funding Initiative and adopted recommendations including:

1. Council endorse the roads listed in Attachment 1 (of that report) for construction utilising the Federal Government funding initiative; and
2. Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

This report has been published on Council's website and is available by searching the Agenda for the 24 September 2019 Ordinary Meeting:

https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv_OC%20CL%20Public%20Meetings=%28pageindex=4%29

BACKGROUND

Morna Street and Oaks Street, Lilydale are local roads approximately 365 metres in combined length, connecting abutting properties to the Maroondah Highway (via Cyril Street).

At its meeting on 24 September 2019 Council considered a report on funding, to be allocated by the Federal Government, for sealing roads within the Dandenong Ranges and surrounding areas.

Council endorsed a list of roads to be constructed using this funding, to be facilitated by means of Special Charge Schemes. Morna Street and Oaks Street, Lilydale were included on the endorsed list of roads.

Council resolved that Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

In accordance with Council's Special Charge Scheme Policy, landowner support has been sought and obtained for construction of the road. The project has been listed in Council's 2021/22 - 2022/23 Capital Expenditure Program.

The 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.

The Federal Government funding commitment of \$150 million over 10 years will have a transformational impact on unmade roads throughout the Dandenong's and urban growth areas of the municipality.

The key principles of the program are to construct unmade roads:

- Servicing schools, community facilities and sporting facilities;
- Within the urban growth boundary and township areas within Yarra Ranges;
- That significantly support bushfire risk and emergency situations to allow the community to safely exit areas of high risk;
- That support the growth and development of tourism across the municipality; and
- Where sections of high-volume rural roads intersect with collector/arterial roads.

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 Morna Street and Oaks Street, Lilydale offers benefits, as the roads are within the urban growth boundary and would complete an existing sealed road network.

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

CONSULTATION

In February 2021 landowners along Morna Street and Oaks Street, Lilydale were surveyed to determine the level of support for a landowner funded Special Charge Scheme to construct the road. Results were as follows.

- 22 (71%) of landowners responded to the survey.

Of those landowners who responded to the survey:

- 17 (77%) supported the proposed Special Charge Scheme;
- 5 (23%) opposed the proposed Special Charge Scheme.

Landowners were advised that sufficient landowner support for the proposed Special Charge Scheme had been identified and design would commence with a landowner briefing to be scheduled later in the year.

Due to Covid-19 restrictions, a traditional public meeting and/or drop in session for landowners along Morna Street and Oaks Street, Lilydale could not be held. As an alternative, a letter was mailed to landowners inviting them to view an on-line briefing presentation detailing the standard of works and the statutory processes required to implement a Special Charge Scheme.

The briefing presentation has been available for viewing on Council's website. Landowners were informed that any questions regarding the project could be discussed either over the phone or at an onsite meeting with Council officers, subject to COVID-19 restrictions easing.

Those landowners unable to access the internet were advised that a copy of the presentation and functional design plans could be mailed to them on request.

FINANCIAL IMPLICATIONS

Based on preliminary estimates for road improvements to Morna Street and Oaks Street, Lilydale an amount of \$380,000 has been allocated in Council's 2021/22 to 2022/23 Capital Expenditure Budgets.

Following detailed design for the project the estimated cost of works has been determined as \$564,916. The increase to budget estimate is associated with an increase in road construction costs including kerb and channel and underground drainage. A footpath along Oaks Street (from Cyril Street to Vance Street) has also been included in the project.

Additional Council funding for these works will be sourced from the Federal Government Roads for the Community Program, if required after the Tender Process. At its meeting on 24 September 2019 Council resolved that Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

The landowner contribution to the project will be fixed at \$190,750 (subject to the outcome of any submissions to the Special Charge Scheme).

As listed in Attachment 4 - Schedule of Costs per Property, this results in a subsidy for landowners of \$167,835 over and above Council's normal 20% contribution towards Special Charge Scheme projects, equating to a landowner saving per development unit of \$6,159.

Through the process of tendering, delivering and finally costing the overall project, any savings would first be directed towards this subsidy prior to proportionately sharing with landowners as described in Council's Special Charge Scheme policy.

Council's contribution to the project is estimated to be \$356,166 (including \$69,664 for Non Assessed Inappropriate subdivision/abandoned land at 7 Oaks Street, based on ½ cost abuttal to the works) and will be funded by the Federal Government Roads for the Community Initiative.

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

Scheme Details

Estimated Project Cost	\$546,916
<u>Less</u> Council Cost only items (footpath)	\$11,605
Estimated Scheme Cost	\$535,311
<u>Less</u> Council's 20% Contribution	\$107,062
<u>Less</u> Council contribution for Non Assessed land at 7 Oaks Street	\$69,664
<u>Less</u> Subsidy for Federal Government Funding Ceiling of \$7,000 per benefit unit	\$167,835

Balance of estimated cost to be recovered from landowners (excluding financing costs)	\$190,750
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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 landowner component of the project is to be provided from cash reserves. The financing cost rate is determined utilising information from the Victorian State Government Department of Treasury and Finance. The financing cost rate applicable is 3.0%.

Financing costs are to be recovered from landowners who choose not to pay in full by 15 February 2023. Total landowners' estimated share for the works is \$190,750 plus an amount of \$28,613 for financing costs.

Period for Which Special Charge Remains in Force

The special charge remains in force for the period commencing 1 July 2022 and concluding on 30 June 2032, 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 2023. 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 Morna Street and Oaks Street, Lilydale

A search of Council's records indicates that Morna Street and Oaks Street, Lilydale 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 Sections 8 and 10 of the *Local Government Act 2020* which identifies the role and powers of Councils.

Nature and Purpose of Special Charge

As a result of landowner consultation, significant support has been identified from landowners along Morna Street and Oaks Street, Lilydale 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 Morna Street and Oaks Street, Lilydale as shown in Attachment 2 – Designated Area.

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 C2Z – Commercial 2 Zone and the NRZ1 – Neighbourhood Residential Zone Schedule 1 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; and
- Enhancement of visual amenity of the area.

The proposed works will require the removal of 21 exotic trees, 13 of which are required to be removed for road safety purposes and the balance on request of Council's Environmental Stewardship team. 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 for Morna Street and Oaks Street, Lilydale:

- Approximately 365 metres urban standard asphalt road generally 5 metres trafficable width;
- Concrete rollover kerb and channel on both sides of road with associated underground longitudinal drainage;
- Turn arounds at the dead ends of Morna Street and Oaks Street;
- 3.5m wide localised narrowing point on Oaks Street to preserve a native tree; and
- Council Cost item: Gravel footpath Oaks Street (Cyril Street to Vance Street) connecting into existing footpath network.

These works are considered to be of an appropriate standard to service Morna Street and Oaks Street, Lilydale, 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 is a calculation of Special Benefit and Maximum Total Levy, a plan showing the Designated Area, Estimated Cost of Works and Schedule of Costs per Property for road improvement works to Morna Street and Oaks Street, Lilydale.

Environmental Impacts

The proposed works will require the removal of 21 exotic trees, 13 of which are required to be removed for road safety purposes and the balance on request of Council's Environmental Stewardship team. All works will be completed in compliance with Council's Code of Environmental Practice for Works on Council Managed Land.

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.

A Cultural Heritage Management Plan is not required for the works.

The works will enhance the environmental amenity, through the reduction in dust.

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 roads would provide the following benefits/risk reduction to landowners:

- Continued and safer vehicular access to and from properties abutting or gaining primary access via Morna Street and Oaks Street, Lilydale;
- Improved stormwater drainage runoff control directed towards the roads from abutting properties, and protection of low side properties from stormwater runoff from the road; and
- Enhanced physical and environmental amenity for abutting properties.

It is noted that these roads 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 Council's Community Links for at least 28 days after the publication of the notice.

Due to current COVID-19 restrictions the public notice will advise a copy of the proposed declaration is available online by searching Council's website for the Agenda of the 28 September 2021 Council meeting.

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

Submissions

Council or a Delegated 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 Delegated Committee of Council 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 23 November 2021, or should this meeting not proceed then the next available meeting; and
- Copies of submissions (excluding submitter's names and addresses) will be made available at the Council meeting when submissions are considered.

DECLARATION OF THE SPECIAL CHARGE

It is recommended that Council at its meeting scheduled for 23 November 2021 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 effective issue of the notice levying the charge, apply to the Victorian Civil and Administrative Tribunal for a review of the decision.

CONCLUSION

It is recommended that Council advise the affected landowners of its intent to declare a special charge for Morna Street and Oaks Street, Lilydale 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[↓](#)

Morna Street and Oaks Street, Lilydale

Calculation of Special Benefit and Maximum Total Levy

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

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

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

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

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

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

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

TCB - is the estimated total community benefit.

R - is the benefit ratio.

Properties included in the scheme - TSB (in)

It is proposed to include 31 properties within the scheme which having regard to development result in 27.25 development units for those properties that abut or gain primary access via Morna Street and Oaks Street, Lilydale. The criteria considered appropriate for differentiating between special benefit received by these properties compared to properties not included in the scheme and the broader community are as follows:

- works will provide continued and safer vehicular access to and from properties abutting or gaining primary access via Morna Street and Oaks Street, Lilydale
- works take waters flowing from the lands or premises towards other lands or premises
- works take waters flowing towards the land or premises from other lands or premises
- works enhance the physical and environmental amenity of the land and local area.

TSB (in) is therefore calculated as having a result of 27.25.

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

There are no other properties with an identified special benefit that Council does not propose to include in the scheme (apart from the Non Assessed Inappropriate subd/abandoned land at 7 Oaks Street for which Council is making a contribution based on ½ cost abuttal).

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

Community benefits – TCB

As Morna Street and Oaks Street, Lilydale do not act as collector roads for the benefit of the broader community and there is no community facility that may derive a special benefit from the works, it is considered that a community benefit is not applicable in this scheme.

TCB is therefore calculated as having a result of 0.

Maximum Total Levy

Having regard to "properties not included in the scheme receiving special benefit" and "community benefits", it is considered that the 31 landowners within the proposed special charge will receive 100 percent of the overall benefit as a Benefit Ratio (R) for the proposed scheme by applying the above factors to the Ministerial Guidelines formula.

The calculation of the Maximum Total Levy therefore equates to \$465,647 (Cost of Scheme works – Cost of works abutting 7 Oaks Street).

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

Manner of assessment and levy

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

- all lands within the designated area, described above
- the zoning of those lands, their existing and potential use
- the special benefit to each of those lands
- the accessibility of the works for those lands.

The basis of apportionment has been formulated in accordance with Council's Special Rates and Charges Policy 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 of the land.

Generally, lots will be charged one development unit where access to the property is primarily taken directly from Morna Street and Oaks Street, Lilydale. Instances where a residential property takes primary access from an alternative road and has an additional abuttal to Morna Street and Oaks Street, Lilydale as sideage or rearage, the property would then be generally charged one half of a development unit.

With regard to individual properties:

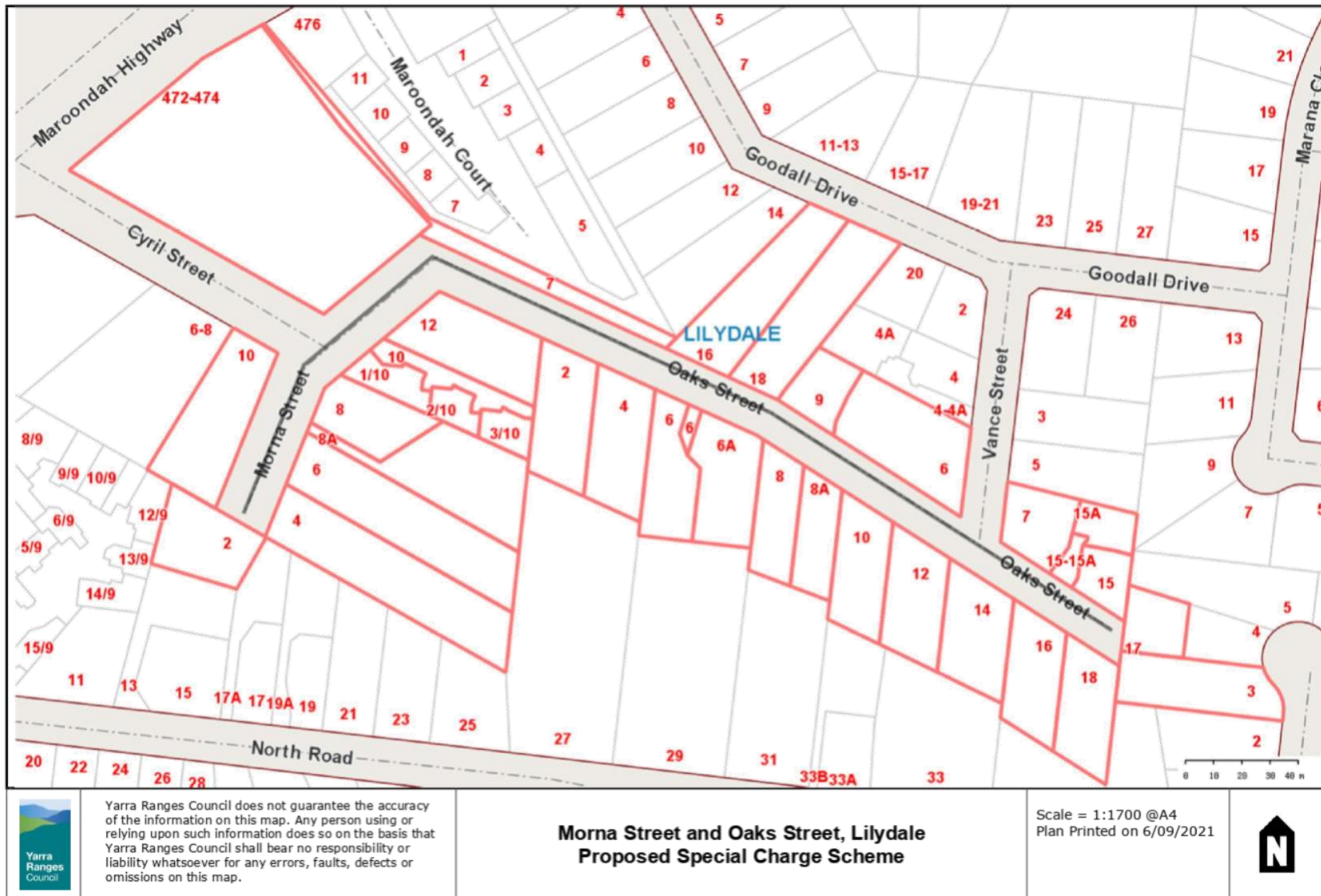
- 10 Cyril Street
This property levied 0.50 development units. Sideage abuttal to Morna Street. Primary access is gained via Cyril Street.
- 18 Goodall Drive
This property levied 0.50 development units. Rearage abuttal to Oaks Street. Primary access is gained via Goodall Drive.
- 16 Goodall Drive
This property levied 0.50 development units. Rearage abuttal to Oaks Street. Primary access is gained via Goodall Drive.
- 472-474 Maroondah Highway
This property levied 0.50 development units. Rearage abuttal to Morna Street. Primary access is gained via Maroondah Highway.
- 6 Vance Street
This property levied 0.50 development units. Sideage abuttal to Oaks Street. Primary access is gained via Vance Street
- 7 Vance Street
This property levied 0.50 development units. Sideage abuttal to Oaks Street. Primary access is gained via Vance Street.
- 3 Vega Close
This property levied 0.25 development units. Limited rearage abuttal with secondary vehicular access to Oaks Street. Primary access is gained via Vega Close.

The basis of allocated charge to properties has been calculated from:-

- (a) \$7,000 (fixed) per development unit.
- (b) plus financing cost of 3% per annum.

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

ATTACHMENT 2. Designated Area



ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:		DATE:		2-Sep-21	
PROJECT:		MORNA STREET & OAKS STREET, LILYDALE ROAD IMPROVEMENT WORKS SCS			
TOTAL SCHEME COST:		\$535,310.60			
COUNCIL COST:		\$11,605.00			
TOTAL PROJECT COST:		\$546,915.60			

Item	Description	Quantity	Unit	Rate	Amount
1	SITE PREPARATION/PRELIMINARIES				
1.1	Site establishment, set out and clean up, installation & maintaining sediment control, Environmental Management Plan, OH&S, Site Management Plan, Traffic Management Plan, Council permits, temporary fencing, setout, erection and maintenance of warning signs, lights and barriers.	1	Item	\$ 8,000.00	\$ 8,000.00
1.2	Provide a traffic management plan and traffic management in accordance with the VicRoads Roadworks Signing Code of Practice (AS 1742.3).	1	Item	\$ 10,000.00	\$ 10,000.00
2	REMOVAL WORKS				
2.1	Grubbing and clearing including sawcutting, taking up, removal and/or salvage of all existing redundant concrete, pipework, endwalls, guide posts, retaining walls, pits, trees, planting, etc. as specified. (Removal of Concrete Kerb & Channel=11Lin.m), (Removal of Concrete Vehicle Crossings=130Sq.m), (Removal of Asphalt Vehicle Crossings=11Sq.m), (Removal of Box Culvert=6Lin.m), (Removal of Endwall=2No.),	1	Item	\$ 3,500.00	\$ 3,500.00
3	EARTHWORKS				
	Earthworks including excavation, filling, forming, trimming and compaction of subgrade, removal and disposal of excess spoil, grading and blending of nature strips and other disturbed areas to match surroundings, including stockpiling of topsoil.				
3.1	Cut to fill	350	m3	\$ 50.00	\$ 17,500.00
3.2	Cut to dispose	50	m3	\$ 40.00	\$ 2,000.00
4	ROAD PAVEMENT				
4.3.1	Asphalt Wearing Course - Nominal 20mm thick compacted depth, size 7mm stone, type N Wearing Course	2122	m²	\$ 20.00	\$ 42,440.00
4.3.2	Asphalt Base Course - Nominal 30mm thick compacted depth, size 10mm stone, type N Base Course	2122	m²	\$ 25.00	\$ 53,050.00
4.3.3	Sub-base Course - Nominal 150mm thick compacted depth, Size 20mm Class 2 Crushed Rock	2122	m²	\$ 20.00	\$ 42,440.00
4.3.4	Sub-sub-base Course - Nominal 150mm thick compacted depth, Size 20mm Class 3 3% Cement Treated Crushed Rock in pavemwnt widening areas	515	m²	\$ 30.00	\$ 15,450.00
5	CONCRETE WORKS				
5.1	KERR AND CHANNEL				

ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:		DATE: 2-Sep-21			
PROJECT:		MORNA STREET & OAKS STREET, LILYDALE ROAD IMPROVEMENT WORKS SCS			
TOTAL SCHEME COST:		\$535,310.60			
COUNCIL COST:		\$11,605.00			
TOTAL PROJECT COST:		\$546,915.60			
5.1.1	Concrete reverse fall rollover kerb and channel cast-in-situ, including 'kerb transitioning', laid on 50mm compacted thickness of approved bedding material. All as per SD/B1.	378	L.m	\$ 75.00	\$ 28,350.00
5.1.2	Concrete rollover kerb and channel cast-in-situ, inclusive of all vehicular openings and pram crossings placed where directed, laid on 50mm compacted thickness of approved bedding material. All as per SD/B1.	440	L.m	\$ 75.00	\$ 33,000.00
5.2	CONCRETE PAVING				
5.2.1	Construct concrete pram crossing as per Council Standard drawings SD/B4 (with Council approved TGSIs).	2	no.	\$ 800.00	\$ 1,600.00
6	AGRICULTURAL DRAINS				
6.1	100mm diameter agricultural pipe drains (Class 400), excavate, supply, lay and backfill as specified.	818	L.m	\$ 25.00	\$ 20,450.00
7	SIGNS				
7.1	Reinstate/relocate existing sign as shown on plans, as directed by Council's Superintendent.	2	No.	\$ 100.00	\$ 200.00
7.2	Replace existing 'Stop' sign at Vance Street intersection with 'Give-Way' (R1-2) as shown on plans, as directed by Council's Superintendent.	1	No.	\$ 200.00	\$ 200.00
8	DRIVEWAY REGRADING				
8.1	Regrade concrete driveway to match new formation as specified as per council Std. Dwg. SD/C2.	144	sq.m.	\$ 120.00	\$ 17,280.00
8.2	Regrade driveways with 75mm min depth 20mm class 3 fine crushed rock to match new formation as specified.	13	No.	\$ 500.00	\$ 6,500.00
8.3	Regrade and resheet driveways with 50mm compacted depth Asphalt Type L size 10mm on 100mm thick compacted approved bedding material as specified.	19	sq.m.	\$ 60.00	\$ 1,140.00
9	DRAINAGE PIPES				
9.1	Class 2, 300mm diameter rubber ring jointed pipe, supplied, excavated, laid, jointed and backfilled with class 2 FCR backfill, including bedding materials, as specified.	171	L.m	\$ 300.00	\$ 51,300.00
9.2	CCTV stormwater drain- post construction drain CCTV footage. Format: hardcopy and USB.	1	Item	\$ 2,000.00	\$ 2,000.00
10	DRAINAGE PITS				
10.1	Grated Side Entry pit 1000mm long x 750mm wide internal dimensions (up to 1.5m deep) as per Council Std. Dwg. SD/P3. (Pit #2, 3, 4, 5, 6, 7, 8 & 10).	8	No.	\$ 2,700.00	\$ 21,600.00
11	MODIFY DRAINAGE PITS				

ATTACHMENT 3. Estimated Cost of Works

SHIRE OF YARRA RANGES ENGINEER'S ESTIMATE					
REFERENCE NO:		DATE: 2-Sep-21			
PROJECT:		MORNA STREET & OAKS STREET, LILYDALE ROAD IMPROVEMENT WORKS SCS			
TOTAL SCHEME COST:		\$535,310.60			
COUNCIL COST:		\$11,605.00			
TOTAL PROJECT COST:		\$546,915.60			
11.1	Adjust existing Junction Pit to suit new finished surface levels & install new Council approved Pit Lid. (Pit #9, 11 & 12).	3	No.	\$ 800.00	\$ 2,400.00
11.2	Adjust existing Side Entry Pit to suit new kerb alignment & finished surface levels & install new Council approved Pit Lid. (Pit #13, 14, 15 & 16).	4	No.	\$ 1,500.00	\$ 6,000.00
11.3	Connect New 300mm Dia. Pipe to existing pit chamber. (Pit #1 & 9).	2	No.	\$ 650.00	\$ 1,300.00
12	MISCELLANEOUS				
12.1	Existing House Drain to be connected to new kerb with Council approved adaptor as directed by Council's Superintendent.	2	No.	\$ 350.00	\$ 700.00
12.2	Regrade and re-topsoil nature strip to an even depth of 50mm with imported local topsoil and grass seeds as specified at per square metre.	1396	sq.m.	\$ 8.00	\$ 11,168.00
12.3	Existing Electricity Pole to be protected & supported during construction in accordance with the relevant service authority requirements.	2	No.	\$ 2,500.00	\$ 5,000.00
12.4	Provide Council with as constructed notes.	1	Item	\$ 800.00	\$ 800.00
13	PROVISIONAL ITEMS				
13.1	Provision of as constructed plans to Council.	1	item	\$ 500.00	\$ 500.00
13.2	Excavation of soft or unsuitable subgrade, backfill and compacted with 3% cement treated crushed rock, as specified. This item includes pavement subbase for new pavement areas.	85	cu.m.	\$ 200.00	\$ 17,000.00
13.3	Adjust existing Stop Valve to match new finished surface levels.	1	No.	\$ 1,200.00	\$ 1,200.00
13.4	Allowance to top up areas where mulch has settled 3-6 months after construction.	1396	sq.m.	\$ 6.00	\$ 8,376.00
SUB-TOTAL					\$432,444.00
	Scheme preparation, supervision, administration etc. 5%				\$21,622.20
	Engineer Consultants and other costs				\$38,000.00
	Tree Management (Arborist Assessment, Tree Offsets) 5%				\$21,622.20
	Contingency sum 10%				\$43,244.40
TOTAL SCHEME COST					\$535,310.60
Items not forming part of Scheme					
A	50mm compacted depth of 20mm Class 2 crushed rock footpath supplied, spread and compacted as specified, as directed by Council's Superintendent.	422	sq.m.	\$ 25.00	\$ 10,550.00
TOTAL PROJECT COST					\$546,915.60

**Morna Street and Oaks Street, Lilydale
Proposed Special Charge Scheme**

PROJECT COST SUMMARY:			COUNCIL COST SUMMARY:			APPORTIONMENT SUMMARY:		
Total Project Cost	\$546,916		Council 20% Contribution	\$107,062		Unit Ratio =	100%	
Less Council Cost only Items	\$11,605		Abuttal to Non Assessed Land	\$69,664		Total Landowner Units =	27.25	
Total Scheme Cost	\$535,311		Subsidy for costs above FedFund ceiling	\$167,835		Total Council Units =	Nil	
Total Council Contribution	\$356,166		Total Council Scheme Cost	\$344,561		\$ / Unit =	\$13,159	
Total Landowner Contribution	\$190,750		Council Cost only Items	\$11,605		FedFund Ceiling \$/ Unit =	\$7,000	
Financing Costs	\$28,613		Total Council Project Cost	\$356,166		FedFund Subsidy \$/ Unit =	\$6,159	
DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
Lot 11 LP8498 Sec 2	10 Cyril Street	2121	0.50	\$6,580	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 30 LP91429 Sec 2	18 Goodall Drive	2639	0.50	\$6,580	\$3,500	\$525.00	\$4,025.00	\$402.50
PC373618 Ca PT5 P	16 Goodall Drive	2640	0.50	\$6,580	\$3,500	\$525.00	\$4,025.00	\$402.50
CP150228 Ca PTCA	472-474 Maroondah Highway	4732	0.50	\$6,580	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 1 LP115651 Sec 2	2 Morna Street	5059	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 12 LP8498 Sec 2	4 Morna Street	5060	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS738179 Sec 2	8 Morna Street	5062	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS712350 Ca P	1/10 Morna Street	5063	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 16 LP8498 Sec 2	12 Morna Street	5064	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 LP143270 Sec 2	2 Oaks Street	5378	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 LP143270 Sec 2	4 Oaks Street	5379	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 LP114005 Sec 2	10 Oaks Street	5382	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 LP114006 Sec 2	12 Oaks Street	5383	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 3 LP138139 Sec 2	14 Oaks Street	5384	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 LP146073 Ca P	16 Oaks Street	5386	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 LP146073 Ca P	18 Oaks Street	5387	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 PS609959 Ca P	6 Vance Street	6911	0.50	\$6,580	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 4 LP142555 Sec 2	3 Vega Close	6916	0.25	\$3,290	\$1,750	\$262.50	\$2,012.50	\$201.25
Lot 13 LP8498 Sec 2	6 Morna Street	36291	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS310735 Ca P	6 Oaks Street	67007	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 PS310735 Ca P	6A Oaks Street	67008	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS532051 Ca P	7 Vance Street	69005	0.50	\$6,580	\$3,500	\$525.00	\$4,025.00	\$402.50
Lot 1 PS545753 Ca P	8 Oaks Street	83588	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS627271 Ca P	15 Oaks Street	84393	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 PS545753 Ca P	8A Oaks Street	85906	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS605293 Ca P	17 Oaks Street	86941	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 PS627271 Ca P	15A Oaks Street	87063	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 1 PS609959 Ca P	9 Oaks Street	88598	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 2 PS712350 Ca P	2/10 Morna Street	92687	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot 3 PS712350 Ca P	3/10 Morna Street	93111	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Lot S2 PS738179 Sec 2	8A Morna Street	93468	1.00	\$13,159	\$7,000	\$1,050.00	\$8,050.00	\$805.00
Totals			27.25	\$358,585	\$190,750	\$28,613	\$219,363	\$21,936
Notes								
Contribution for 7 Oaks Street - Non Assessed Inappropriate subd/abandoned land (95m 1/2 cost abuttal)						\$69,664		

RECOVERY

No. of Pages – 10

7.11 Storm Recovery Update

RESPONSIBLE OFFICER	Director Recovery
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SUMMARY

This report, on Council's recovery activities since the severe weather event on 9 June 2021, focusses on the actions undertaken since the recovery phase commenced on 16 July 2021 and offers further details of the impacts as they are currently understood.

It should be noted that early impact assessments following the storm event provided a starting point to shape the response. However, the full detailed picture of impacts will take some months to fully assess.

RECOMMENDATION

That Council note the impacts and work being done to support storm affected communities.

DISCLOSURE OF CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

PROPOSAL

This report provides an overview of the work being undertaken to support our community as they recover from the 9 June 2021 severe storm and flooding event.

RELATED COUNCIL DECISIONS

Yarra Ranges Council meeting on 14 September 2021:

- Item 7.5 Draft Financial Plan 2021/22 – 2030/31 for adoption in principle.
- Item 7.6 Community Recovery Committees.

Yarra Ranges Council meeting on 27 July 2021:

- Item 9.1 Special Resident Storm Branch Kerbside Collection.

Yarra Ranges Council meeting on 13 July 2021:

- Item 9.1 Urgent Motion – Storm Recovery Assistance.

BACKGROUND

The savage winter storm that ripped across Yarra Ranges Shire on 9 June 2021 was like nothing the State has seen before, in terms of the scale of loss and damage, and complexities of executing make safe and clean-up efforts.

Wind speeds reported above 120km/h caused extensive damage to trees and infrastructure and caused widespread power outages. Seventy-four residences were damaged to the point of being uninhabitable. At its peak, over 54,000 residents were without power (11,346 for a period of 1-2 weeks and 891 for a period of 2-3 weeks).

The immediate days after the event saw impacts across telecommunications, sewerage treatment spills, water access and quality issues, road closures, food waste spoilage. These impacts were met by a multiagency response initially coordinated through an Incident Control Centre and Council's specific response through the Municipal Emergency Coordination Centre.

A dedicated Yarra Ranges Council Recovery Directorate has been established to ensure focussed coordination of recovery activities associated with both the storm, flood and COVID pandemic at the municipal level, including the establishment of Community Recovery Committees, multiagency recovery forums and continued liaison with Bushfire Recovery Victoria.

It should be noted that a dedicated 'Yarra Ranges Support' website has been established so that key information relating to the storm event including events, activities, updates and newsletters can easily be found. The new website can be found at <https://www.yarraranges.vic.gov.au/support/Home>

KEY UPDATES

Finance

Work continues to ascertain the financial commitment required to undertake the necessary rehabilitation, restoration and recovery work. Initial conservative estimates were approximately \$65m. This does not include any work that would be required on private property, which has been initially estimated at over \$160m. Council is not in a position to bear the entire financial burden of these recovery efforts and has had discussions with both the State and Commonwealth governments to seek financial assistance.

To date, the State Government has announced an \$8.2m Council Support Fund to provide financial support across the 10 local government areas impacted by the storm event. Of this, Yarra Ranges Council has received \$3.5m.

It is anticipated that under the shared responsibility principles of disaster recovery funding arrangements, Council will be required to make some financial contribution towards the recovery efforts, and it will have an impact on Council's financial projections not only in this current financial year, but also for the next two to three years.

The Draft Financial Plan 2021/22 – 2030/31 does have an early indication of the financial impact of the response, should limited support be forthcoming. A revised annual budget is being prepared which will include the financial impact of the storm recovery effort. This will be released in early 2022, once the costs are better understood.

Bushfire Recovery Victoria are assisting Council in working with over 20 state agencies and funding bodies to help support local recovery.

Business Cases

Complex business cases have been developed and submitted for several funding streams to the State Government for financial support of our Recovery work. This work and similar funding discussions will continue for some time with additional requests required as further definition of the impacts is appreciated.

The table below outlines the business cases that have been submitted to date which are currently under consideration for funding. These cover off on a variety of activities undertaken by Council in response to the storm recovery. Many of these activities incur direct costs to Council including the kerbside branch collection, road rehabilitation, green waste disposal as well as tree, park and bushland recovery works.

Further business cases are under development to seek support for Community Recovery Programs; Business Lead and Small Business Support; and Planning Support.

Business Case	Overview
Resident Storm Branch Kerbside Collection	The Special Storm Event Tree Branch Collection is a key component in Council's response to supporting community to remove the smaller scale timber debris as a result of the storm.
Recovery structure	A dedicated Yarra Ranges Council Recovery Directorate has been established to ensure focussed coordination of recovery activities associated with the storm, flood and COVID pandemic at the municipal level.
Road rehabilitation	This initiative is seeking funding to undertake the required civil works required to Council's road and transport infrastructure and those that are the interface of public and private realm.
Disposal	This initiative is seeking funding to cover the cost of the wood and green waste stack sites, the cost of repurposing a small portion and disposal of excessive wood and green waste accumulated from the clean-up of the storm impacted areas.
Tree, park and bushland recovery works	This initiative aims to clean-up and make safe all the trees, parks and bushland. It also focuses on reducing the enormous fuel load that now exists prior to the upcoming bushfire season.

Community Recovery Committees

Regional Community Recovery Committees (RCRCs) are part of Yarra Ranges Council's strategy to support communities to recover from the impacts of the COVID 19 pandemic and the recent storm event.

Recruitment for the four RCRCs representing the Hills, Urban, Upper Yarra and Valley regions will be via Expression of Interest (EOI). The EOI process is being widely promoted across the municipality to ensure a broad reach to encourage diverse representation across all RCRCs.

Membership of RCRCs is open to anyone aged over 18 years who either lives, works, or has a significant connection to the Yarra Ranges. RCRCs will comprise up to twelve community members each with a range of skills and experiences and who are representative of the demographics of their region.

The EOI began on 16 September 2021 and be open for 3 weeks. Community members can access more information and complete the EOI form on the [Shaping Yarra Ranges](#) page of Council's website.

Community Information Sessions

Two online community and engagement sessions took place on 9 and 11 September 2021, attended by approximately 180 community members. Representatives from Council; Bushfire Recovery Victoria; Parks Victoria; Department of Environment, Land, Water and Planning; Community Support Services; Telstra; AusNet Services; and the NBN all presented and answered questions posed by community members.

Based on community feedback prior to the event, participants were then able to join a smaller session to hear updates on either Clean Up; Telecommunications/Power services; or Community Recovery Activities.

Participants had the opportunity to hear responses to questions raised such as support that may be available to remove trees from private property, the time frames for the removal of trees from public or neighbouring land what action may be taken to improve the resilience of the telecommunications and power infrastructure and the actions Council will take to enable community led recovery. Further information on these sessions, including responses to Frequently Asked Questions, and information on future sessions is available on the [Support Yarra Ranges](#) page of Council's website.

Telecommunications Round Table

The Victorian Government has launched the Connecting Victoria program, a \$550 million program delivered through Department of Jobs, Precincts and Regions (DJPR) to deliver new and upgraded telecommunications infrastructure (broadband and mobile) across the state.

An engagement process is underway to identify priority locations, and the first locations to receive upgrades are expected to be announced late 2021. Residents can participate in this process by recording locations where mobile coverage or internet access is a problem on the [Connecting Victoria](#) website.

Council is providing advocacy on behalf of residents and businesses, particularly with respect to the frustration the community is feeling due to the extensive engagement

process along with seeking resolution to mobile blackspots and areas with slow broadband speeds.

Council has facilitated a roundtable discussion held on 9 September 2021. This involved Council representatives, local MPs and community members and leaders that represented a strong cross-section of communities in the Hills, Valley and Urban regions. This provided an opportunity to relay the lived experiences of our communities, particularly the impacts of poor connectivity on access to education and emergency preparedness and responses.

Key points raised at the 9 September roundtable were:

- Reliable connectivity during emergencies, including the need for CFA stations to be able to communicate with members, volunteers and other emergency services;
- Investment in power sources to ensure reliability of services;
- Historical challenges creating roadblocks to implementing new macro base stations, such as planning environment, environmental concerns, location/amenity; and the need to consider solutions other than macro base stations that could provide better coverage and are less controversial;
- Disadvantages that poor connectivity creates within the agriculture and horticulture industries, which make a significant contribution to the local economy but are not well placed to innovate through smart technologies and IoT;
- The need for better NBN services for home-based businesses - without the usual influx of tourists, these businesses will be increasingly key to maintaining jobs and boosting the local economy;
- The need for community education to boost preparedness and reduce shock in power outage situations e.g. the use of back-up battery power to maintain wireless NBN connections during an outage; and
- The role of innovative technologies such as satellite services to address specific pockets of poor connectivity.

Economic Impacts

- Spendmapp analysis, which demonstrates live and historic data on commercial spending at a suburb level, has identified that townships reliant on tourism (e.g. Olinda, Warburton, Yarra Glen, Healesville, Belgrave) have experienced the greatest impact in declining revenues (particularly hospitality businesses operating in these townships) due to the June 2021 storm event and pandemic lockdowns;
- Other sectors in the Yarra Ranges experiencing severe declines in revenue include general retail, professional services and personal services; and
- Expenditure within the Yarra Ranges in June 2021 was down \$13 million (-8%) compared with June 2020.

	Expenditure \$M			
Expenditure type	Jun-20	Jun-21	Change \$	change %
Resident local spend	96	93	- 3	-3%
Visitor local spend	57	47	- 10	-17%
Total local spend	153	140	- 13	-8%

Data Source: Spendmapp

Economic Recovery Activities

- **Economic Development Strategy:** This project commenced in early September 2021. Within its scope are economic considerations around recovery from both the storm and the pandemic impact, local employment, business resilience, innovation and small business development. Social considerations within scope include vulnerable groups, gender equity, priority sectors and partnerships;
- **Yarra Ranges Business, Tourism & Economic Recovery Committee:** This committee was established in August 2021 to lead and coordinate all aspects of the work required to assist the recovery of business, tourism and the economy within the Yarra Ranges;
- **Yarra Ranges JobLink:** This is an online employment portal connecting jobseekers and employers in the Yarra Ranges. It provides a consolidated view of any job vacancies across the municipality whether posted directly on the site or through other sites such as Seek. The site went live on 12 Aug 2021. As of 8 September, just over 270 jobs located within the Yarra Ranges are being advertised on the [portal](#); and
- **Commercial Rent Relief Scheme:** Launched on 28 July 2021, the Victorian Government launched the Commercial Rent Relief Scheme covering small businesses across Victoria. Under the scheme, Landlords will be required to provide proportional rent relief in line with a business's reduction in turnover.

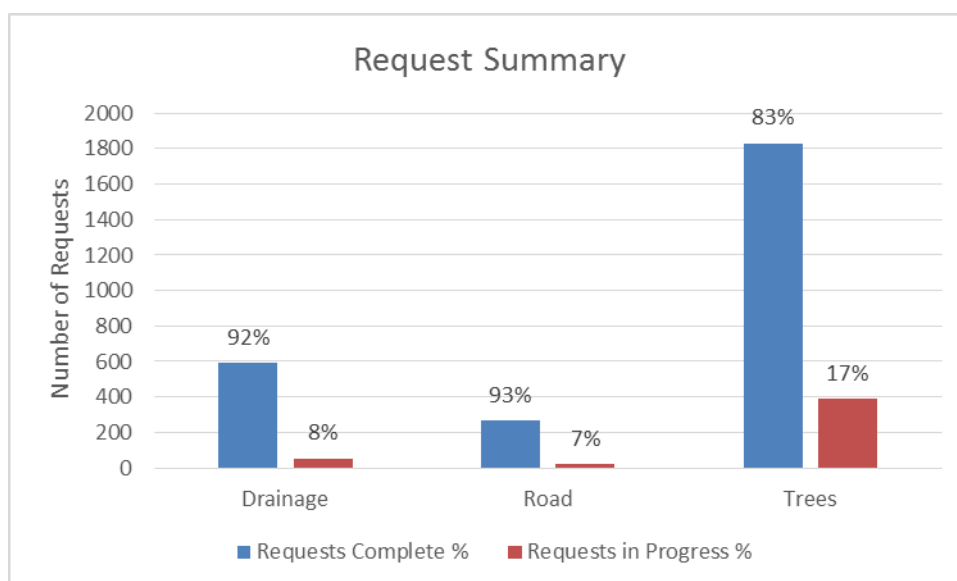
Built & Natural Environment Activities

Since the June severe storm event, Council resources have been heavily allocated towards recovery works which has included extensive green waste clean-up, kerbside green waste collection and public works in relation to drainage, roads and trees.

Timber collected will be used for other initiatives including firewood, play spaces, habitat and the Ridge Walk.

Drainage, Roads and Trees Works

- The majority of requests for drainage, road and tree works have now been completed, as shown in the chart below.



Resident Storm Branch Kerbside Collection

- In total, 28% of streets requiring collection of small scale kerbside green waste has been completed as of 8 September 2021.
- The urban region is now almost complete (99%) while works in the valley have recently commenced and currently tracking at 6 per cent completion.
- The hills will also be provided with kerbside green waste collection commencing 13 September 2021.

Kerbside collection progress (number of streets)				
Status	Urban	Valley	Hills	Total
Completed	847	98	0	945
Remaining	9	1542	931	2482
Total	856	1640	931	3427
Completed %	99%	6%	0%	28%

- A total of 15,000 cubic metres of green waste has been collected to date. This equates to the volume of six Olympic sized swimming pools. This waste has been converted to 1600 cubic metres of mulch – which has been made available free of charge to the community at multiple sites across the municipality.

Built and Natural Environment – Impacts

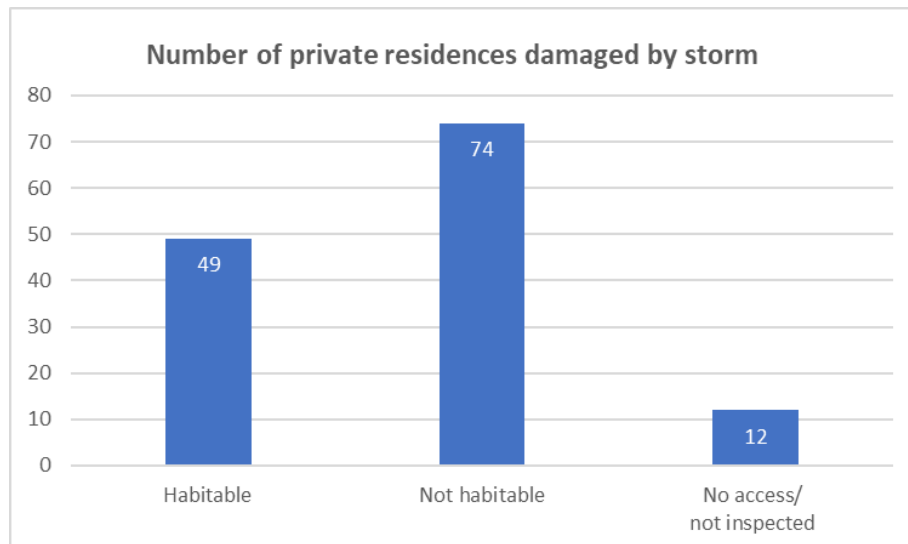
Council Building & Roads

Council infrastructure including buildings, roads, paths and bridges were impacted by the June storm event throughout the Yarra Ranges municipality (refer to Attachment 1 – Storm Recovery Infographics for details).

Private Residences Damaged

- Council building inspectors have identified 135 private homes that sustained significant damage due to the storm event. Of these, 74 have been assessed as being uninhabitable with a further 49 assessed as habitable.

- To support these residents in rebuilding their homes, Council is looking to fund independent experts that will provide planning assistance. In addition, Council intends to provide arborist reports in relation to potential tree hazards on resident properties damaged by the storm, as well as erosion reports where needed. These support activities will help residents get back to living in their homes as they were prior to the storm event in a timely manner.



Social Recovery Activities / Impacts

Recovery Hubs – Service delivered by Recovery Hubs played a vital role during the emergency relief phase following the storm event and through commencement of the recovery phase. These services included provision of hot showers, food hampers, hot meals, firewood, tea and coffee, charging stations for phones, counselling services, emergency accommodation referrals, referrals for urgent needs including generators, information newsletters and delivering community briefings to keep residents informed across a range of issues.

Hubs have been closed since 14 August due to pandemic restrictions. However, Council has been partnering with agencies to set-up virtual consultations with residents. A virtual hub model has been implemented with appointments currently on offer with organisations including:

- Eastern Community Legal Centre;
- Yarra Valley Water;
- Insurance Council of Australia; and
- [Planning](#) or [Building Support](#).

Council's hubs can be contacted on the following numbers:

Kalorama Hub - 0477056265

Olinda Hub - 0475628065

Residents can also continue to contact Council on 1300 368 333 for storm recovery support and referrals to other organisations providing support.

Mental Health Support

- A webinar, led by David Younger, on Understanding the Emotional Effects of a Severe Weather Event took place on 21 August 2021. Positive feedback has been received regarding the webinar, with future sessions planned. Information and a video recording is available on the [Yarra Ranges Support](#) website.
- Council organised for two debrief sessions to be held with volunteers who worked at the relief hub established at Kalorama oval by local volunteers. These sessions were run by Dr. Robert Gordon – a leading psychologist who specialises in the field of disaster recovery. The purpose of these sessions was for volunteers to share their experiences and to process the psychological stress that they felt while working at the relief hub. Reports back from these briefings were very positive with participants indicating that it helped significantly with their mental wellbeing.

Re-establishment Payments – The Department of Families, Fairness and Housing (DFFH) have made a total of 33 re-establishment payments to Yarra Ranges residents who have had their homes damaged by the storm event. These payments are available to residents to assist them with costs incurred as result of their home being damaged by the June storm event.

Recovery Support Emerging Needs

- High demand is continuing for mental health programs;
- There is an emerging gap in support available for children experiencing trauma;
- There is emerging evidence that men who might benefit from psychological aid are not engaging in services;
- There is a need to further promote the availability of the recovery support program; and
- Three support agencies are providing services to a total of 237 residents impacted by the storm event. As of 8 September, Windermere has the largest case load (173 cases) followed by Anglicare (58 cases) and Oonah (6 cases).

Case Management Numbers

- The total number of storm impact cases recorded by Council as at 8 September is 729. This figure excludes environmental health checks related to flooding that were undertaken by Council EHOs.
- Welfare checks account for the largest number of cases (12%) followed by requests for accommodation (11%), building inspection requests (11%), financial assistance (6%) and food relief (4%).

CONCLUSION

The coming months will see Council working towards a Municipal Recovery Action Plan that acknowledges the complication of the combined COVID and Storm impacts. This document will be influenced and shared across the multiple agencies working on recovery and with community members through Community Recovery Committees.

ATTACHMENTS

- 1 Storm Recovery Update [↓](#)



Storm Recovery Activities

Advocacy on behalf of residents and businesses to resolve mobile blackspots and for faster and more reliable broadband internet on behalf of the Yarra Ranges community



Economic recovery activities including JobLink, the Economic Development Strategy and establishment of the Business & Tourism Recovery Committee



Green waste has been converted to 1600 cubic metres of mulch

Collection of 15,000 cubic metres of green waste



- Monbulk Aquatic Centre and 6 other Council sites have storm damage.
- Quotes and claims are underway



- An estimated 600 roads equating to 300 kms have been impacted by the storm event.
- Number of roads and paths to be repaired: 175



Storm Event Impacts



- Two bridges have been impacted by the storm



- 13 fire tracks have been damaged by the storm
- 19 pieces of fire track infrastructure including gates and bollards have been damaged.

8. COUNCILLOR MOTIONS

In accordance with Chapter 3 Division 4 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Councillor motions received prior to the Agenda being printed.

9. URGENT BUSINESS AND ITEMS RAISED THROUGH THE CHAIR

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

10. PETITIONS

In accordance with Chapter 3 Rule 60 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Petitions received prior to the Agenda being printed.

11. DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of Meeting Procedures and Use of Common Seal Local Law 2015 as prescribed by Section 14(2)(c) of the Local Government Act 2020.

There were no documents for signing and sealing received prior to the Agenda being printed.

12. INFORMAL MEETING OF COUNCILLORS

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors; and
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

RECOMMENDATION

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

1. ***7 September 2021 - Council Briefing***[↓](#)
2. ***7 September 2021 - Council Forum***[↓](#)

7 September 2021 - Council Briefing

Informal meeting of Councillors

Public Record



Meeting Name:	Council Briefing		
Date:	7 September 2021	Start Time: 6.06pm	Finish Time: 7.01pm
Venue:	Via videoconference		
Attendees:	Councillors:	Cathrine Burnett-Wake, Jim Child, Len Cox, David Eastham, Richard Higgins (from 6.12pm), Fiona McAllister, Johanna Skelton & Sophie Todorov	
	CEO/Directors:	Tammi Rose, Andrew Hilson (from 6.21pm), Mark Varmalis, Jane Sinnamon (from 7.01pm), Kathleen McClusky & Jane Price	
	Officers:	Amanda Kern, Marcella Simone, Guy Masters, Tracey Reid, Allison Southwell, Steve Jones & Sarah Candeland	
Apologies	Councillor Tim Heenan		
Declarations of Interest:	Nil		
Matter/s Discussed:	This briefing covered the following items of business to be considered at the 14 September 2021 Council Meeting		
	7.1	Draft Council Plan 2021-25 including the draft Community Vision 2036	
	7.2	Planning Policy Framework	
	7.3	Planning Application YR--2014/1199/A - 17-25 Maroondah Highway, Healesville	
	7.4	Review of Delegations Made to Council Staff	
	7.5	Draft Financial Plan 2021/22 - 2030/31 for adoption in principle	
	7.6	Community Recovery Committees	
	7.7	Small Grants Annual Update 2020-21	
	7.8	Heath Road Group, Belgrave Heights Declaration of Special Charge	
	7.9	Witnish Street and Victoria Street (Crescent Road to Witnish Street), Yarra Junction Declaration of Special Charge	
	7.10	Chaundy Road, Belgrave South Intention to Levy a Special Charge	
	7.11	Wandin Creek Road (from Beenak Road south to Monbulk-Seville Road), Wandin East Intention to Levy a Special Charge	
Completed By:	Sarah Candeland		

7 September 2021 - Council Forum

Informal meeting of Councillors

Public Record



Meeting Name:	Council Forum		
Date:	7 September 2021	Start Time: 7.01pm	Finish Time: 10.59pm
Venue:	Via videoconference		
Attendees:	Councillors:	Cathrine Burnett-Wake, Jim Child, Len Cox, David Eastham, Richard Higgins, Fiona McAllister, Johanna Skelton & Sophie Todorov	
	CEO/Directors:	Tammi Rose, Andrew Hilson, Mark Varmalis, Jane Sinnamon, Kathleen McClusky & Jane Price	
	Officers:	Paul Mechelen, Damian Closs, Blake Williams, Abby McCarthy, Amee Morgans, Daniel Noar, Birgit King, Phil Murton, Jenny Davies, Terry Jenvey, Matt Harrington, Paul Goodison, Luke Williamson, John Strachan, Jason Young, Tracey Varley, Allison Southwell, Alanna Ford, Suzanne Earhart, Steve Jones & Sarah Candeland	
Apologies	Councillor Tim Heenan		
Declarations of Interest:	Nil		
Matter/s Discussed:	1.1	Actions and Agreements Records - 17 August 2021 & 24 August 2021	
	1.2	Tree matter outside 2 Milgate Court, Mooroolbark	
	1.3	Level Crossing Removal Project - Proposed Flood Mitigation Measures Olinda Creek, Lilydale	
	1.4	Advocacy Framework and Emerging Priorities	
	1.5	Local Government Community Satisfaction Survey and TKP Customer Satisfaction Survey Results 2021	
	1.6	YR Ignite - High Performing Organisation Strategy	
	1.7	Rivers & Ridges Update	
	1.8	2021/22 Capital Development Grants Program	
	2.1	Capital Works Program Quarterly Report - June 2021 and EOFY Report	
	2.2	Major Projects Monthly Report to end of July 2021	
	2.3	Indicative Forum & Council Meeting Schedule	
	2.4	Mayor & CEO Updates	
Completed By:	Sarah Candeland		

13. REPORTS FROM DELEGATES

14. CONFIDENTIAL ITEMS

In accordance with section 66(2)(a) of the Local Government Act 2020

There were no Confidential Items listed for this meeting.

15. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 12 October 2021 commencing at 7.00pm, via videoconference.



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 2020 and the Code of Conduct for Councillors.

When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

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.*