

**COUNCIL MEETING**

**TUESDAY 10 MAY 2022**

**AGENDA**

***VISION***

*Whether you live here or visit, you will see how much we care for Country, how inclusive and 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

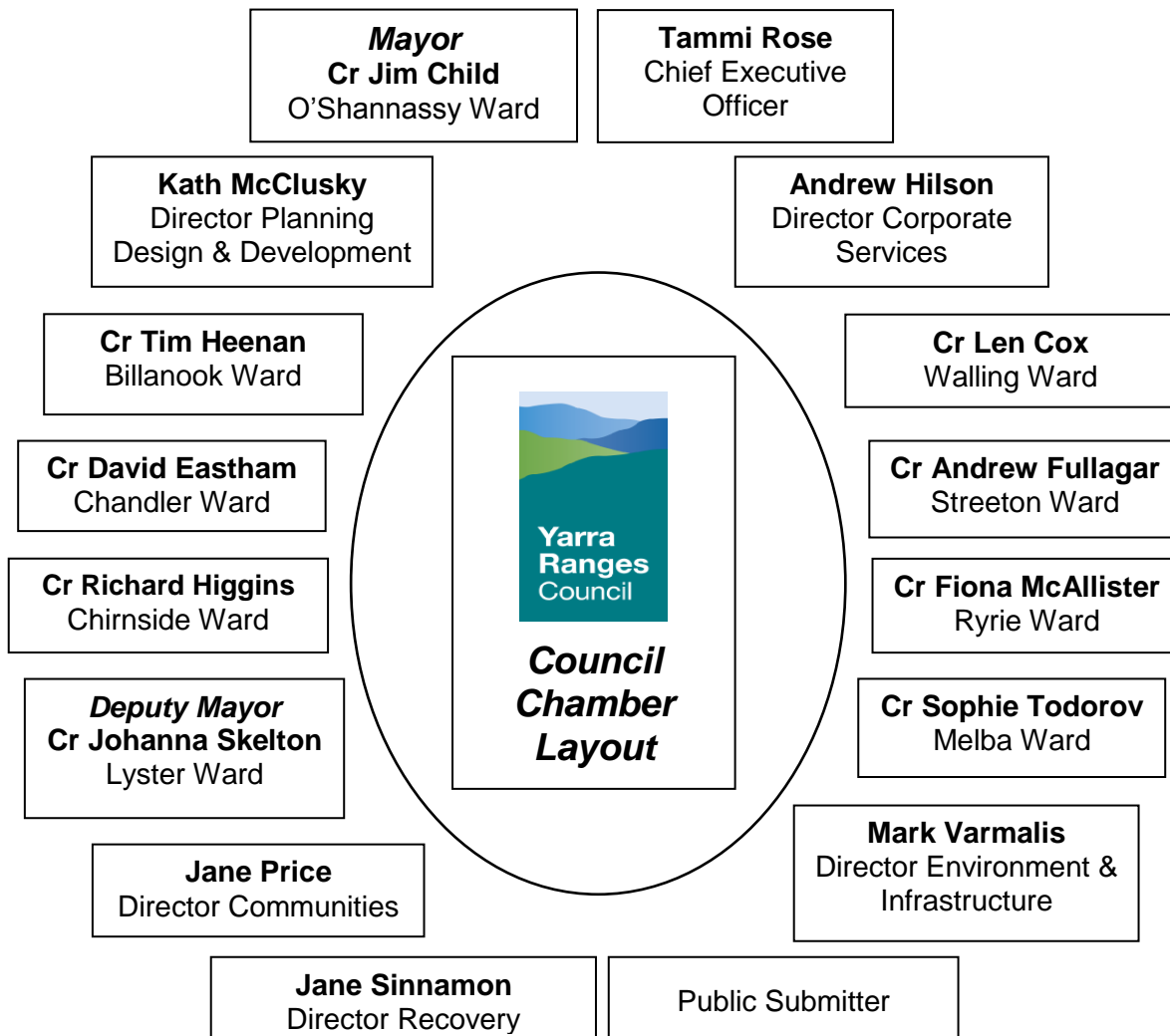
The public is invited to submit questions to the Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before the Council meeting date**. Questions relating to items on the agenda, or which are the same 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 558<sup>TH</sup> COUNCIL MEETING TO BE HELD ON TUESDAY 10 MAY 2022 COMMENCING AT 7.00PM VIA VIDEOCONFERENCE

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

## RECOMMENDATION

*That the Minutes of the Council Meeting held 26 April 2022, 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.

*Olinda Creek Bicycle Nature Trail Feasibility Study Support*

Mr Ron Thomas wishes to speak in relation to the establishment and funding options for an Olinda Creek Bicycle Nature Trail Feasibility Study.

## 7. BUSINESS PAPER

### PLANNING, DESIGN AND DEVELOPMENT

No. of Pages – 36

#### 7.1 Planning Application YR-2021/715 - 54 & 56 Clegg Road, Mount Evelyn

APPLICATION DETAILS	
<b>Site Address</b>	54 and 56 Clegg Road, Mount Evelyn
<b>Application No.</b>	YR-2021/715
<b>Proposal</b>	Use and development of a childcare centre; display of business identification signage; car parking reduction; vegetation removal; and alteration of access to a Road Zone, Category 1.
<b>Existing Use</b>	Dwelling on each lot
<b>Applicant</b>	Western Australian Commercial Investments Pty Ltd C/- Ratio Consultants Pty Ltd
<b>Zone</b>	Low Density Residential Zone (LDRZ)
<b>Overlays</b>	Bushfire Management Overlay (BMO) Significant Landscape Overlay – Schedule 22 (SLO22) Environmental Significance Overlay – Schedule 2 (ESO2)
<b>Objections</b>	Sixty-three (63) and one (1) submission in support.
<b>Encumbrances on Title (Covenants/Section 173 Agreements)</b>	No
<b>Reason for Council Decision</b>	More than 10 Objections
<b>Ward</b>	Billanook

#### SUMMARY

The application is for use and development of a childcare centre; display of business identification signage; car parking reduction; vegetation removal; and alteration of access to land in a Transport Zone 2. An application is triggered for assessment under the Low Density Residential Zone (for the use & development), the Environmental Significance Overlay – Schedule 2 (vegetation removal, front fence and to carry out building and works), Significant Landscape Overlay – Schedule 22 (front fence and vegetation removal), Bushfire Management Overlay (for an educational use), Clause 52.06 (reduction in car parking) Clause 52.09 (access to a State controlled road) and Clause 52.05 for two (2) business identification signs.

The application has been advertised and received 63 objections and one (1) submission in support to the development. The general themes of the objections are related to traffic issues, built form, safety, privacy, vegetation impacts, amenity, location and operational hours.

The application has currently been appealed to the Victorian Civil and Administrative Tribunal (VCAT) for failure to determine the application within statutory timeframes. Notwithstanding this action, the decision before Council is for Council to determine whether, had it been able to make a decision, what would the decision be. A detailed assessment of the application has been undertaken, including a review of all submission and on balance officers are recommending that the application should be supported for the reasons outlined in the report below.

### **RECOMMENDATION**

***That, had Council been able to make a decision on the application, Council would have supported Planning Application YR 2021/715 for use and development of a childcare centre; display of business identification signage; car parking reduction; vegetation removal; and alteration of access to land in a Transport Zone 2 at 54-56 Clegg Road, Mount Evelyn and would have issued notice of decision to Grant a permit subject to the following conditions in Attachment 1 to this report.***

### **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*.

### **SITE LOCATION AND DESCRIPTION**

The site comprises two separately title allotments, with an overall combined area of 2,077 square metres. Each property contains single-storey brick dwellings within each of the existing lots with access to Clegg Road. Vegetation is scattered through the site and there are no restrictions on title or easements on the site. The site has an upward slope of approximately 2.0 metres from the front (north) to the rear (south), and an upward slope of approximately 3.0 metres from the west to the east.

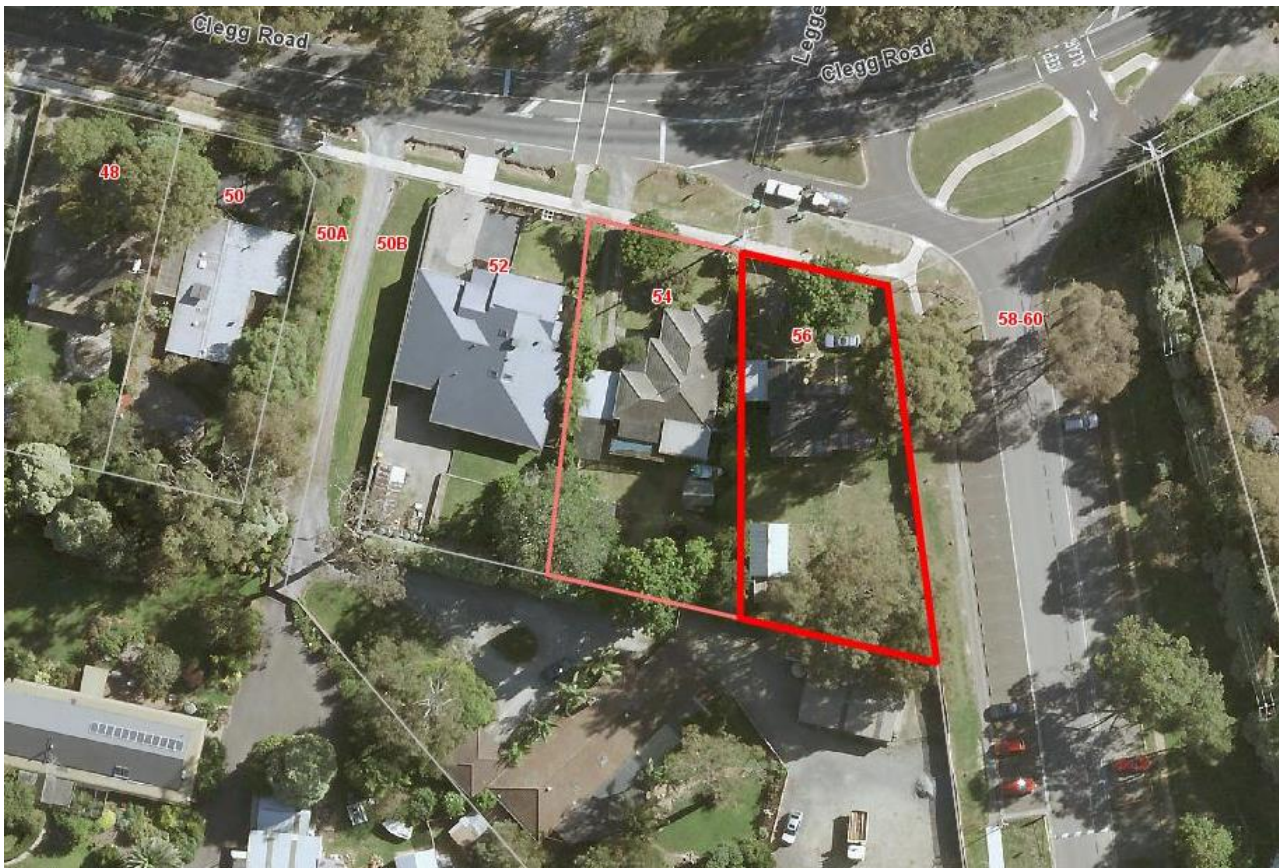


FIGURE 1 – AERIAL IMAGE OF BOTH SITES

## ENCUMBRANCES ON TITLE

There are no encumbrances on the Certificate of Title.

## SURROUNDING AREA

- North – Clegg Road adjoins the site to the north. The land north of Clegg Road is developed with dwellings and industrial buildings. Leggett Drive is located opposite the site and runs in a north-south direction. Land on both sides of Leggett Drive is developed with dwellings.
- South – A residential lot with dwelling adjoins the site to the south, and further south of the site is the St Mary's Catholic Primary School. Large residential lots are located to the south-west.
- East – The St Mary's access road (from Clegg Road) adjoins the site to the east. The road contains car parking spaces and grass verges on both sides. Land further east is developed with dwellings including a 10-hectare vegetated property located at 80 Clegg Road.
- West – A residential lot with dwelling adjoins the site to the west, and land further west has been developed with dwellings. The Mt Evelyn Primary School is located 450m to the west.

The site is near community facilities, public transport and public open space including the Mount Evelyn Aqueduct Trail and the Warburton Rail Trail.



The site and surrounds are shown at Figure 2.

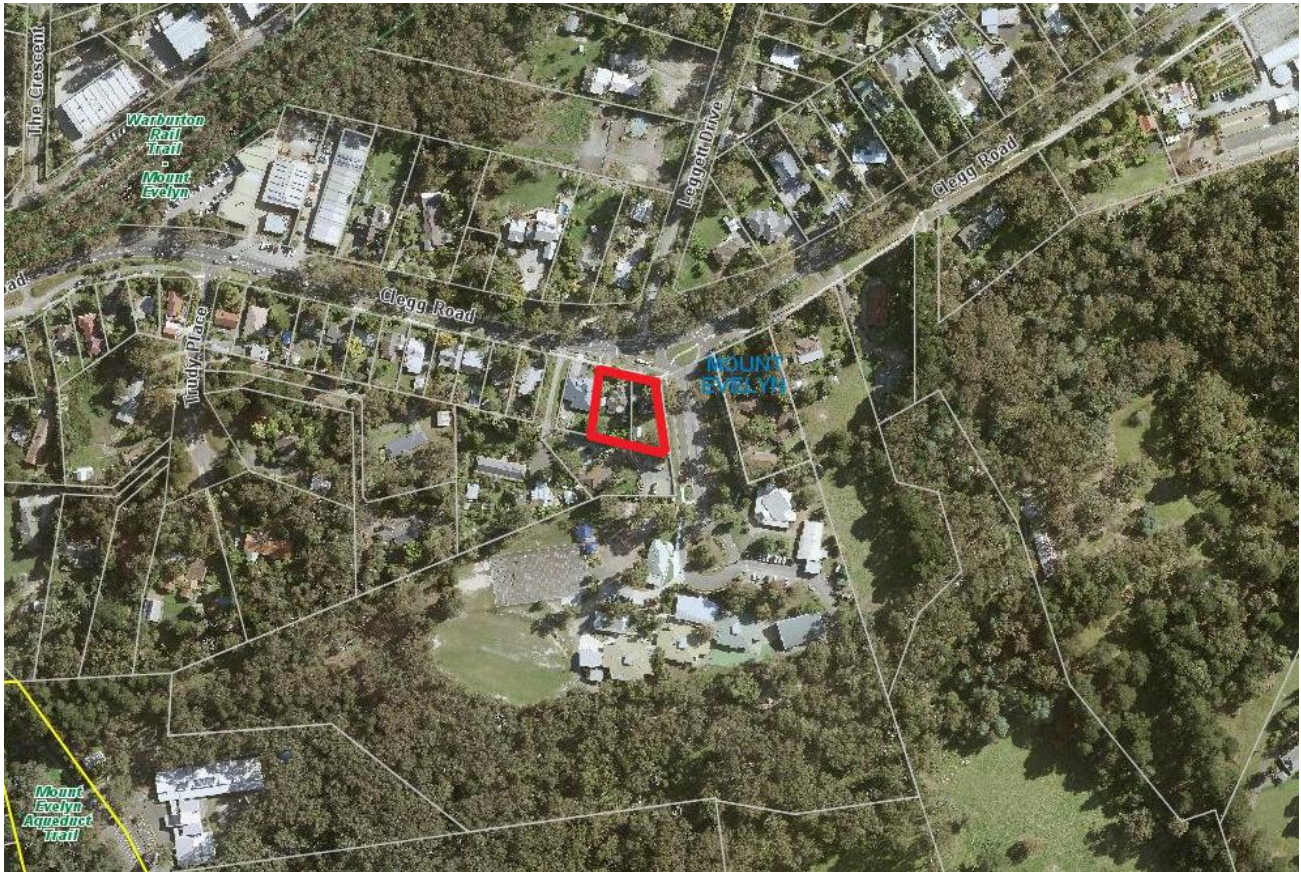


FIGURE 2 – SUBJECT SITE AND SURROUNDS

## HISTORY

<b>Application Number and Decision Date</b>	Planning permit YR-2016/1348 was approved on 9 March 2017 for buildings and works to construct an outbuilding at 54 Clegg Road.
<b>VCAT History</b>	Failure to Determine lodged at VCAT on the 7 <sup>th</sup> of March 2022 Compulsory Conference date – 27 May 2022 Hearing Date – 1 <sup>st</sup> , 2 <sup>nd</sup> & 3 <sup>rd</sup> August 2022
<b>Other History</b>	Not applicable.

## PROPOSAL

The proposed childcare centre will accommodate 120 children between the ages of 0-5 years. A total of 23 staff will be employed and the centre will operate between the hours of 6.30am to 6.30pm.

The proposed building is a contemporary design with a pitched colourbond roof, timber battens and compressed fibre cement panelling to the facade, aluminium frame glass infill balustrade, and paint finish.

At ground floor, the centre includes an entrance (capture area), foyer, reception, office, kitchen, staff room, laundry, planning room, three (3) internal activity areas, preparation and sleep rooms and amenities/toilets. At first floor, the centre includes a lobby/foyer, four (4) activity rooms, preparation rooms, amenities/toilets and a 590m<sup>2</sup> outdoor play area and storage space.

The external areas around the building comprise various external outdoor play areas, drying yard and a store at ground level. A total of 923m<sup>2</sup> of outdoor play area and 455m<sup>2</sup> of internal activity areas are proposed.

The height of the building will be 10.3 metres above natural ground level (north elevation) with the pitch of the roof at 12.5m, site coverage is 54.2 per cent and site permeability is 40.2 per cent.

A double crossover will be constructed near the north-east corner of the site and the two existing crossings that service 54 and 56 Clegg Road will be removed and replaced with curb and channel. A pedestrian access path will be provided from Clegg Road to the building and undercover car parking with twenty-three (23) car spaces including one (1) disabled space will be provided at-grade in the eastern part of the site. Bicycle parking and a designated refuse area will be located at the southern end of the site off the car park.

Boundary fencing is proposed as follows:

- 1800mm high retaining wall and timber picket fence to the site frontage.
- 2400mm high retaining wall and acoustic colourbond fence to the site's western side and southern rear boundaries.
- 2000mm high retaining wall and acoustic colourbond fence to the site's eastern side boundary.
- Acoustic balustrade screening to the centres first floor play area – southern and eastern boundaries.

Vegetation is proposed to be removed within the site and an arborist report prepared by Galbraith & Associates is included in attachment 6. It is proposed to retain trees also and tree protection zones are proposed to be implemented for these trees and trees on neighbouring land.

The proposal includes two (2) business identification signs as follows:

- A 1275mm high sign affixed to the front fence with 'Eden Academy: Mount Evelyn' wording and business logo.
- A 1280mm high sign affixed to the front façade at first-floor with 'Eden Academy: Mount Evelyn' wording and business logo.

All signs will be acrylic cut and fixed to walls and the front fence. The signage will not be illuminated.

A 10,000-litre rainwater and firefighting tank is proposed for the north-west corner of the site.



The proposed development is shown in Figure 3 below.



FIGURE 3 – SITE PLAN

The proposed development plans and landscape plan considered for this assessment are provided in Attachment 4 & 5.

**PLANNING CONTROLS**

<b>Zoning:</b>	Clause 32.03 - Low Density Residential Zone (LDRZ)
<b>Overlay:</b>	Clause 42.01 – Environmental Significance Overlay Schedule 2 (ESO2) Clause 42.03 – Significant Landscape Overlay Schedule 22 (SLO22) Clause 44.06 – Bushfire Management Overlay
<b>State Planning Policy:</b>	Clause 11.01-1S Settlement



	<p>Clause 12.05-2S Landscapes</p> <p>Clause 13.02-1S Bushfire planning</p> <p>Clause 13.05-1S Noise abatement</p> <p>Clause 13.07-1S Land use compatibility</p> <p>Clause 15.01-1S Urban design</p> <p>Clause 15.01-2S Building design</p> <p>Clause 15.01-5S Neighbourhood character</p> <p>Clause 15.02-1S Energy and resource efficiency</p> <p>Clause 17.01-1S Diversified economy</p> <p>Clause 17.02-1S Business</p> <p>Clause 18.02-4S Car parking</p> <p>Clause 19.02-2S Education facilities</p>
<b>Local Planning Policy:</b>	<p>Clause 21.03 Vision</p> <p>Clause 21.04 Land Use</p> <p>Clause 21.05 Settlement – Objectives, Strategies and Implementation</p> <p>Clause 21.06 Built Form - Objectives, Strategies and Implementation</p> <p>Clause 21.07 Landscape - Objectives, Strategies and Implementation</p> <p>Clause 21.09 Environment - Objectives, Strategies and Implementation</p> <p>Clause 21.11 Community Infrastructure - Objectives, Strategies and Implementation</p> <p>Clause 22.01 Discretionary Uses Residential and Industrial Zones</p> <p>Clause 22.04 Advertising Signs</p> <p>Clause 22.05 Vegetation Protection</p>
<b>Schedule to Clause 51.03:</b>	Not Applicable
<b>Other Requirements:</b>	<p>Clause 52.05 Signs</p> <p>Clause 52.06 Car parking</p> <p>Clause 52.12 Bushfire Protection Exemptions</p> <p>Clause 52.29 Land Adjacent to the Principal Road Network</p> <p>Clause 53.02 Bushfire Planning</p> <p>Clause 65 Decision Guidelines</p>

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

## CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

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

## EXTRACTIVE INDUSTRY

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

## STAKEHOLDER VIEWS

### *External Referrals*

Authority	Consent/Objection – Summary of Conditions
CFA	Consent subject to conditions requiring endorsement of the Bushfire Management Plan and provision of a Bushfire Emergency Plan. Refer to bushfire management plan at attachment 8.
Department of Transport	Consent subject to conditions requiring amended plans to show crossover construction details; signage and road markings to reinforce left-in/left-out access, no right turn/ no U-turn at the westbound exit; and removal of redundant vehicle crossings. The crossover and driveway must be constructed to the satisfaction of the Responsible Authority and at no cost to the Department of Transport.

### *Internal Referrals*

Department	Summary of Response
Development Engineer - Traffic	Consent subject to conditions requiring construction of vehicle crossings; internal civil works to be constructed prior to occupation of the development; and vehicles to enter and exit the site in a forward direction, all to the satisfaction of Council. Refer to traffic report in attachment 9.
Development Engineer - Drainage	Consent subject to conditions requiring piped drainage to be constructed to all impervious areas; a detention system to be constructed prior to occupation of the development; stormwater engineering plans and computations to be approved prior to commencement of works; and inspection and certification of all civil works prior to occupation, all to the satisfaction of Council. Refer to stormwater reports under attachments 10, 11 & 12.

Department	Summary of Response
<b>Arborist</b>	<p>Consent with conditions requiring tree protection fencing; tree sensitive works to be undertaken; and tree replacement to be undertaken.</p> <p>The Arborist has commented that the proposal also requires a reduction of encroachment to 10 per cent or less of the tree protection areas of tree number five (5) and tree number 11. A condition of permit will require that a Tree Protection Plan is provided to the satisfaction of Council prior to the commencement of works.</p> <p>Refer to arborist report in attachment 6.</p>
<b>ESD Sustainability</b>	<p>Consent with a condition requiring the ESD initiatives be included in a 'notes' box on the plans.</p> <p>ESD commented that additional acoustic treatments should be added to the frontage to reduce traffic noise, and end-of-ride facilities (lockers and showers) for staff should be provided. The applicant responded that acoustic treatments will be provided to the front rooms, and a note has been included on the ground floor plan confirming that lockers and showers will be provided for staff. The acoustic treatments and the lockers/showers will be required to be shown on amended plans (amended plans condition).</p> <p><i><b>Planners note</b> – Whilst noise is not usually within the gambit of ESD considerations, the consideration of acoustic impact is nonetheless required, given the proximity of sensitive noise receptors to the site.</i></p>
<b>Waste</b>	<p>Consent</p> <p>Waste Management has commented that the Waste Management Plan is satisfactory however the food waste bins should be increase in size to allow for a once-weekly collection instead of twice-weekly.</p> <p>The applicant has responded that the waste collection contractors prefer 120-litre bins for organics, as anything larger gets too heavy and is not practically possible to remove.</p> <p>Refer to waste management plan in attachment 14</p>
<b>Strategic Planning</b>	<p>Strategic planning has commented that a childcare centre is a use frequently found in residential areas and the proposed development is not likely to result in displacement of single detached housing as the primary use in the area. The proposal is generally in accordance with the policy at Clause 22.01 – Discretionary Uses Residential and Industrial Zones. It is located immediately adjacent to a school, on a main road and is a one-off use that will not lead to any commercialisation of the surrounding area.</p>

Department	Summary of Response
Family, Children and Youth	<p>The number of Child Care/Long Day Care (LDC) places in the Mt Evelyn and surrounding areas considerably exceeds the projected need for LDC places based on the current and future population projections for 0-4 year old's. Opening of another LDC centre is likely to have a direct impact on the viability of existing centres.</p> <p><b>Current Demand</b></p> <p>There are currently 19 Early Childhood Services offering LDC within a 7.5km radius of 54-56 Clegg Road, Mt Evelyn, providing a cumulative 1568 licenced places. Fourteen of these services report existing vacancies within their service. There are a further eight centres that are under 10km travel from the proposed location.</p> <p><b>Future Demand</b></p> <p>Analysis indicates that the current number of available LDC places in Montrose, Hill Top Towns, Mt Evelyn, Kilsyth Lilydale and Mooroolbark, is 1568 places.</p> <p>Based on current and forecast 0-4yo population projections and using the social planning tool to calculate required licenced places, the current LDC requirements for this combined area is 599 places. Population projections indicate the future demand for LDC will minimally increase over the next 14 years with the projected demand in 2026 of 620 places, and in 2036 demand of 689 places.</p> <p>These calculations indicate that the current number of available long day care places in the targeted area currently significantly exceeds the required places.</p> <p><b>Planning Response</b> – <i>Whilst there is no demonstrated demand for more child care spaces, the proposal cannot be refused on these grounds. It is ultimately for the commercial market to determine the viability and demand for the child care centre. The co-location of the use adjacent to a primary school may make this a more viable location to meet the demands of the market than other centres in vicinity of the site.</i></p>

### **Objections and Consultation**

✓ Mail    ✓ Sign    ✗ Local Newspaper

Number of Objections: Sixty-three (63) and one (1) submission in support

The main grounds of objection include the following:

- Traffic Impacts
  - Traffic congestion on Clegg Road.

- Vehicle and pedestrian safety, particularly at the proposed entrance/exit to the childcare centre.
  - Insufficient car parking for the proposed use and development. Car parking will overflow into St Mary's Primary School car parking spaces.
  - Vehicles exiting from Leggett Drive impacted by additional congestion on Clegg Road.
  - Traffic management measures have not been considered.
  - Construction vehicles will conflict with other traffic and impact car parking availability in the area.
  - Waste collection will be disruptive to nearby residents.
  - The traffic study was undertaken in 2018 so does not take account of current traffic conditions.
- Impacts on the adjoining residential property to the west with respect to the proposed retaining wall and the fencing.
  - Privacy impacts on the adjoining residential property to the west from the western facing obscured windows on the first floor.
  - The building design is out of character and not appropriate for the area.
  - The impact on trees within the site and to neighbouring trees is unacceptable.
  - The building setbacks are insufficient and not in keeping with neighbourhood character.
  - Site coverage is excessive.
  - Insufficient landscaping provision.
  - The location of the childcare centre is inappropriate and is not necessary in the area.
  - The hours of operation disruptive to nearby residents.
  - Glare causing a hazard to traffic on Clegg Road.

The main grounds of support include the following:

- The application is consistent with the Yarra Ranges Planning Scheme.
- Site is suitably located to accommodate a purpose-built childcare centre.
- Site provides a direct nexus with the adjacent primary school and enables the consolidation of an existing and proposed community/education.
- The proposed centre is much needed to the local community and will provide care that is suitable for our children and those of our friends and community.

- Sufficient car parking is provided for on-site to accommodate the needs of the centre.
- The development is of an attractive design that will ensure a building and landscape outcome befitting to the valued character of the area.

### ***Community Consultation Meeting***

An online community consultation meeting was undertaken on the 10th of March 2022. All objectors were contacted in regard to attending the meeting and to provide any further matters that they wanted to raise. A small percentage of objectors attended the meeting and put forth their concerns about the proposal to planning staff and Councillors.

## **ASSESSMENT/ KEY ISSUES**

The proposal has been assessed against the applicable planning policy provisions, zone and overlay provisions and is considered to be a satisfactory planning response. The following is an assessment of the proposal in regard to the Yarra Ranges Planning Scheme with regards to the appropriateness of building and works and use of land for Childcare centre.

### **Strategic Framework**

#### **Use of the land for a childcare centre**

Under the provisions of the Low Density Residential Zone, a permit is required to use land for a childcare centre. The Decision Guidelines at Clause 32.03-6, Low Density Residential Zone, require the responsible authority to consider the Municipal Planning Strategy and the Planning Policy Framework.

Clauses 13.07-1S (Land use compatibility) and 22.01 (Discretionary Uses Residential and Industrial Zones) of the Planning Policy Framework require that use or development of land is compatible with adjoining and nearby land uses and potential adverse off-site impacts are addressed. Furthermore, it must be demonstrated that there is a need for any proposed non-residential use which seeks to locate in a residential area.

The applicant has submitted that based on their own economic research, the development of the site for a childcare centre does hold economic viability. Council's own data shows that there is no current shortfall of childcare places within 10 kms of the site.

With regards to Council's projected growth, Mount Evelyn is forecasted to need 689 spaces by 2036. While a shortfall is not projected, the proposed child centre would add to the commercial choice for parents as to where to send their children. This child centre also has the advantage of being located between two primary school thus providing a convenient location for families.

Childcare centres can co-exist in residential areas and the question of need has been addressed in previous determinations of the Victorian Civil and Administrative Tribunal (VCAT) ('the Tribunal'). For example, in *Hume Childcare Pty Ltd v Maroondah CC* [2020] VCAT 767 (17 July 2020 – refer to attachment 15), the tribunal member stated:

*The Tribunal has often commented that in assessing whether a proposal services a local need, a proposal does not need to demonstrate economic viability. Economic*

*viability is a matter that sits outside of planning considerations. The question of need, in a town planning sense, is usually to determine if there is a need for a service that may outweigh amenity impacts that may arise from the proposed use. For a non-residential use in a residential zone, this is in effect a question of whether the use, that may have character and amenity impacts that are different to residential use, can be justified and is reasonable because of the benefits the use brings to the area by way of fulfilling a local need for that use.*

Having regard to the VCAT decision, Council's policies at Clause 22.01 – Discretionary Uses Residential and Industrial Zones require that any proposed non-residential land use:

- *Be clustered in or adjoining a commercial centre, close to public transport or situated on a main road and not contribute to ribbon commercial development along main or tourist roads.*
- *Be compatible with the surrounding neighbourhood, not lead to the transformation of a residential area into a quasi-commercial area and be of a scale and design that respects the environmental and built elements of the area.*
- *Be provided with setbacks from common boundaries with adjoining residential uses that ensure the protection of residential amenity and, where appropriate, provide for the establishment of effective landscaping and screening buffers.*

The proposed use is not clustered in or adjoining a commercial centre however it is close to transport and situated on a main road and is adjacent to a primary school, which results in synergies between the two uses, as well as the potential and opportunity for multi-purpose trips to for some families to transport children of the same family to both uses in a single trip. As the use is not overtly commercial it will not contribute to ribboning of development along Clegg Road.

The proposal is compatible with the surrounding neighbourhood and is acceptable in terms of the character of the area. Within a walkable 300 metres of the site there is a mix of land uses including rural residential (within the Green Wedge Zone), low-density residential, commercial, industrial and community facilities. Other educational facilities nearby include St Mary's Primary School which is adjacent to the site and the Mount Evelyn Primary School located 650 metres (as the crow flies) to the west on Monbulk Road. Within this context of mixed land uses the proposal is considered acceptable.

The consolidation of two residential lots to create a larger lot results in good land use efficiency and enables a building of this size, required to accommodate 120 children to be built, whilst providing improved opportunity for meaningful landscaping to the perimeter of the site. It is proposed to retain a medium-sized tree in the front setback and protects two large trees located in the St Mary's property near the eastern boundary of the site. These trees will soften the built form when viewed from Clegg Road. Supplementary trees, shrubs, groundcovers and creepers are proposed around the building and car parking area with some shrubs achieving a height of six (6) metres at maturity. It is considered that the proposed landscaping is compatible with the landscape character of the area and taking into consideration the constraints of the Bushfire Management Overlay.

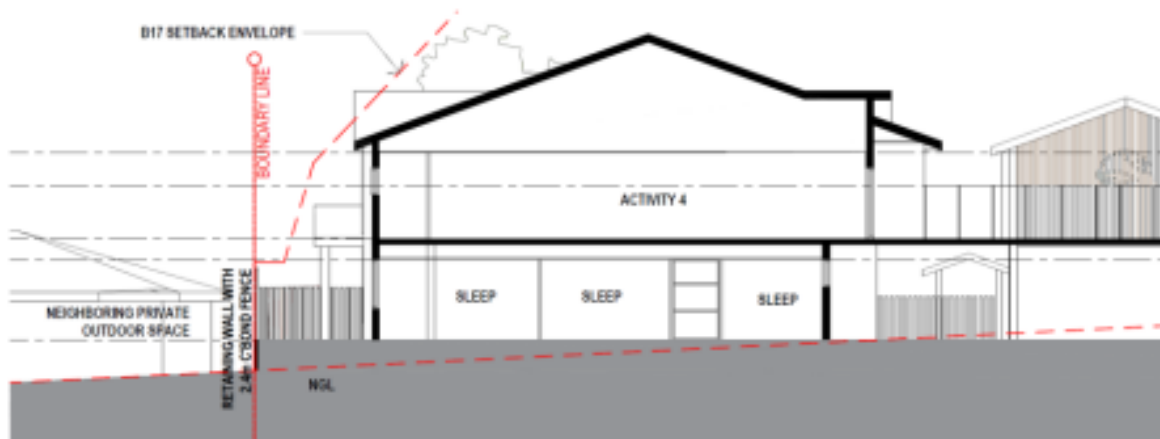
There are no general assessment criteria for Childcare Centres in the Planning Scheme, therefore, for assessment of certain amenity aspects of the development (such as setbacks, overlooking and overshadowing) ResCode has been used as a guide. It is

important to note that whilst ResCode is not applicable to the development it is considered the most appropriate mechanism of assessment given the developments proximity to residential properties. Therefore, throughout this report, ResCode will be used as guide in the assessment of the proposal to provide a balanced assessment on impacts to adjoining residential properties.

The minimum ground and upper floor setbacks are four (4) metres to the western boundary and the wall height is a maximum of 9.5 metres above natural ground level. This is substantial built form facing the dwelling at 52 Clegg Road.

Although not technically applicable, 'ResCode' is referred to as a guide to establish what may be an appropriate wall height for the western side of the building. A diagram has been submitted (Figure 4) showing encroachment of the western wall into the setback envelope. Under ResCode the wall height requires a setback of 4.6m. Consideration therefore must be given to whether the built form will unreasonably impact the amenity of the dwelling at 52 Clegg Road.

#### Section detailing building setbacks to eastern side boundary.



**FIGURE 4 – DIAGRAM SHOWING PART OF THE WESTERN WALL ENCROACHING INTO THE SETBACK ENVELOPE.**

The eastern wall of the dwelling at 52 Clegg Road does not contain a habitable room window (refer Drawings DA03 and DA05 under attachment 4) and the main private open space, i.e., the space most likely to be utilised by the occupants of the dwelling for their recreational needs, is located on the south side of the dwelling.

The shadow diagrams (refer Drawing DA12 under attachment 4) show that while there will be some shadow in the morning, throughout the day the shadowing is not excessive. In terms of other privacy considerations, it is proposed to apply obscured glass film to all upper floor west-facing windows to a height of 1.7m above floor level to prevent overlooking from the proposed development, however it is considered that if a permit was to be issued, a condition 1 requirement will be to ensure that the film is changed to fixed obscure glazing. In addition, screening trees and other screen plantings are proposed on the western side of the building which will soften the built form when viewed from the adjoining property. Careful selection of the screen trees will be required to ensure that the



defendable space requirements relating to vegetation management is achievable so as to comply with the Bushfire Management requirements.

A minimum setback of 6.196 metres is proposed to the southern boundary. For a maximum southern wall height of 6.6 metres above natural ground level this is an acceptable setback using the ResCode standard as a guide. The shadow diagrams show the shadow impact on the private open space areas of 50B Clegg Road will not be excessive. Again, additional screen planting is proposed near the southern boundary which will soften the built form when viewed from this property.

Traffic access is from a main road (Clegg Road) and a Traffic Impact Assessment Report prepared by the applicant's traffic engineers sets out an assessment of the anticipated parking demand and traffic and transport implications of the proposed development. The report concludes that the development is suitably designed and is not expected to create adverse traffic or parking impacts in the vicinity of the site. The report is attached at Attachment 9. Further discussion on traffic matters is provided in the assessment against Clause 52.06 Carparking below.

Clause 19.02-2S of the Planning Policy Framework seeks to assist the integration of early childhood facilities with local communities. It is considered that the proposal addresses the strategies outlined to meet the objective of the policy. The facility is located near to public transport and provides safe walking and vehicle drop-offs.

On the above analysis, it is considered that the use of the land for a childcare centre is acceptable in terms of the policy and objectives at Clauses 13.07-1S, 19.02-2S and 22.01 of the Planning Policy Framework that seek to provide limited opportunities for non-residential uses that are compatible with the area.

### **Buildings and works**

Under the provisions of the Low Density Residential Zone, a permit is required to construct or carry out building or works associated with a use in Section 2 of Clause 32.03-1. A childcare centre is a Section 2 use. The Decision Guidelines at Clause 32.03-6 require the responsible authority to consider the Municipal Planning Strategy and the Planning Policy Framework.

### **Siting and design**

The policies at Clauses 15.01-1S (Urban Design), 15.01-2S (Building Design), and 21.06 (Built Form – Objectives, Strategies and Implementation) of the Planning Policy Framework seek to promote development that responds to the characteristics of the site and the surrounding area and protects the residential character and neighbourhood amenity by ensuring that new development is compatible with the scale and bulk of nearby buildings.

It is considered that the proposed development is generally in accordance with the objectives and strategies of these policies. While the building footprint is somewhat larger than a typical detached house, its overall proportions and forms are typical of a contemporary double-storey dwelling, and will not look out of place in this location. Articulation is achieved through building materials and visually interesting elements such as timber battens (façade and fencing), aluminium frame glass infill balustrade (upper floor playground), and compressed fibre cement panelling (facade).

The retention of existing trees and the introduction of screen trees, shrubs and groundcovers around the building and near the car parking area will complement the built form, making the overall development attractive and in keeping with the landscape character of the neighbourhood and broader area.

The setbacks of dwellings along Clegg Road are variable. Between Trudy Place to the west and the subject site the smallest setback is six (6) metres and there are several dwellings with similar setbacks to that which is proposed, being 8.1 – 9.8 metres. Again, using ResCode as a guide (a corner site requires a setback to be the same distance as the setback of the front wall of the existing building on the abutting allotment facing the street) the proposed setback is appropriate with regard to the setback of the dwelling at 52 Clegg Road which is 9.5 metres. The setback to all other boundaries is also acceptable in terms of ResCode standards and therefore it is considered that the development is consistent with the existing neighbourhood and streetscape character.

The car parking area will be constructed at grade on the eastern side of the site with the upper floor outdoor play area overhead. Proposed landscaping near the front boundary and along the eastern boundary will soften these areas and enhance the appearance of the development when viewed from Clegg Road. A 1.8-metre-high retaining wall with timber battens is proposed for part of the Clegg Road frontage which will complement the timber battens on the façade of the building, and the width of the vehicle access at the front boundary in relation to the overall street frontage provides ample opportunity for landscaping at this interface.

The development will not appear visually bulky noting that the site coverage (54.2 per cent) is acceptable in terms of ResCode standards, and permeability is also acceptable at 40.2 per cent. Council's Drainage Engineer is satisfied that the site has the capacity to absorb runoff and the drainage network can accommodate additional stormwater.

It is considered that the siting and design of the building is acceptable and responds appropriately to the relevant policies of the Planning Policy Framework.

### **Buildings and works in the Environmental Significance Overlay – Schedule 2 (ESO2) and Significant Landscape Overlay – Schedule 22 (SLO22)**

Under the provisions of the Environmental Significance Overlay, before deciding on an application to construct a building or construct or carry out works, the responsible authority will consider, as appropriate whether it can be demonstrated that the new development can achieve adequate stormwater retention through water sensitive urban design.

A Water Sensitive Urban Design (WSUD) assessment has been undertaken by Low Impact Development (LID) Consulting (Attachment 11) and has been assessed by Council's drainage engineering department. The assessment is acceptable, and conditions can be included on any approved permit to require piped drainage to be constructed incorporating WSUD features, a detention system to be installed to drain all impervious areas, and stormwater engineering plans and computations to be submitted and approved prior to the commencement of works, all to the satisfaction of Council.

It is considered that the proposal will incorporate works to improve the quality and quantity of stormwater exiting the site and is acceptable in terms of the water sensitive urban design response. It is considered therefore that the environmental objective is achieved for

this proposal in that the ecological function and health of Little Stringybark Creek will not be adversely impacted.

### Significant Landscape Overlay - Schedule 22 (SLO22)

A permit is required for buildings and works, construction of a front fence and the removal of vegetation under SLO22. Schedule 22 to the Significant Landscape Overlay relates to the foothills and rural townships of the municipality. Located at the base of the Dandenong Ranges, Mt Evelyn contains houses which although occurring at more suburban densities, are well integrated into an environmental setting. Some strong remnants of dry forest remain in the landscape and private gardens are spacious with a mix of native and exotic vegetation.

The landscape character objectives to be achieved under the Schedule are:

- *To recognise and conserve the environmental and visual sensitivity of residential areas*
- *To maintain vegetation as a dominant element of the landscape and encourage retention and regeneration of native vegetation*
- *To ensure development is sensitive to the natural characteristics of the land including slope, terrain and any existing vegetation*
- *To ensure setbacks are generous, consistent with nearby dwellings and allow sufficient space for mature plantings*
- *To ensure site cover maintains the ambience and sense of spaciousness*
- *To ensure that buildings and works retain an inconspicuous profile and do not dominate the landscape*
- *To ensure that the health of existing trees is not jeopardised by new development*
- *To maintain an absence of front fences and informal rural character with either open style front fencing or an absence of front fencing*
- *To protect and preserve the riparian areas along waterways.*

It is considered that the proposal satisfies the landscape and character objectives of the Schedule by ensuring that building setbacks are generally consistent with nearby dwellings and by maintaining vegetation as a dominant element of the landscape through the retention of trees and by the provision of new plantings around the building and car park. The height of the building (10.3 metres to roof pitch) is not consistent with the more often seen eight (8) to nine (9) metre double-storey building heights on dwellings in the area however the building has been sited to ensure that impacts on adjacent properties (50B and 52 Clegg Road) are acceptable.

The applicant has submitted that the overall height is required to ensure functional internal layout and operation, noting also that the building will sit below the established tree canopy of Tree 11 (18m high) located in the school driveway/car parking area and Tree 6 (16m high) which is one of the trees retained at the rear of the site. The other retained trees around the perimeter of the site, namely Trees three (3) and 11 will sit below the building

as they are around 7-8m in height, but will assist to soften the building presentation. Tree five (5), which is being retained, also it has a height of 20m however there will be some hazard reduction pruning as noted in the arborist report for the health of the tree and for the built form. The retention of these significant mature trees softens the built form in terms of the building height.

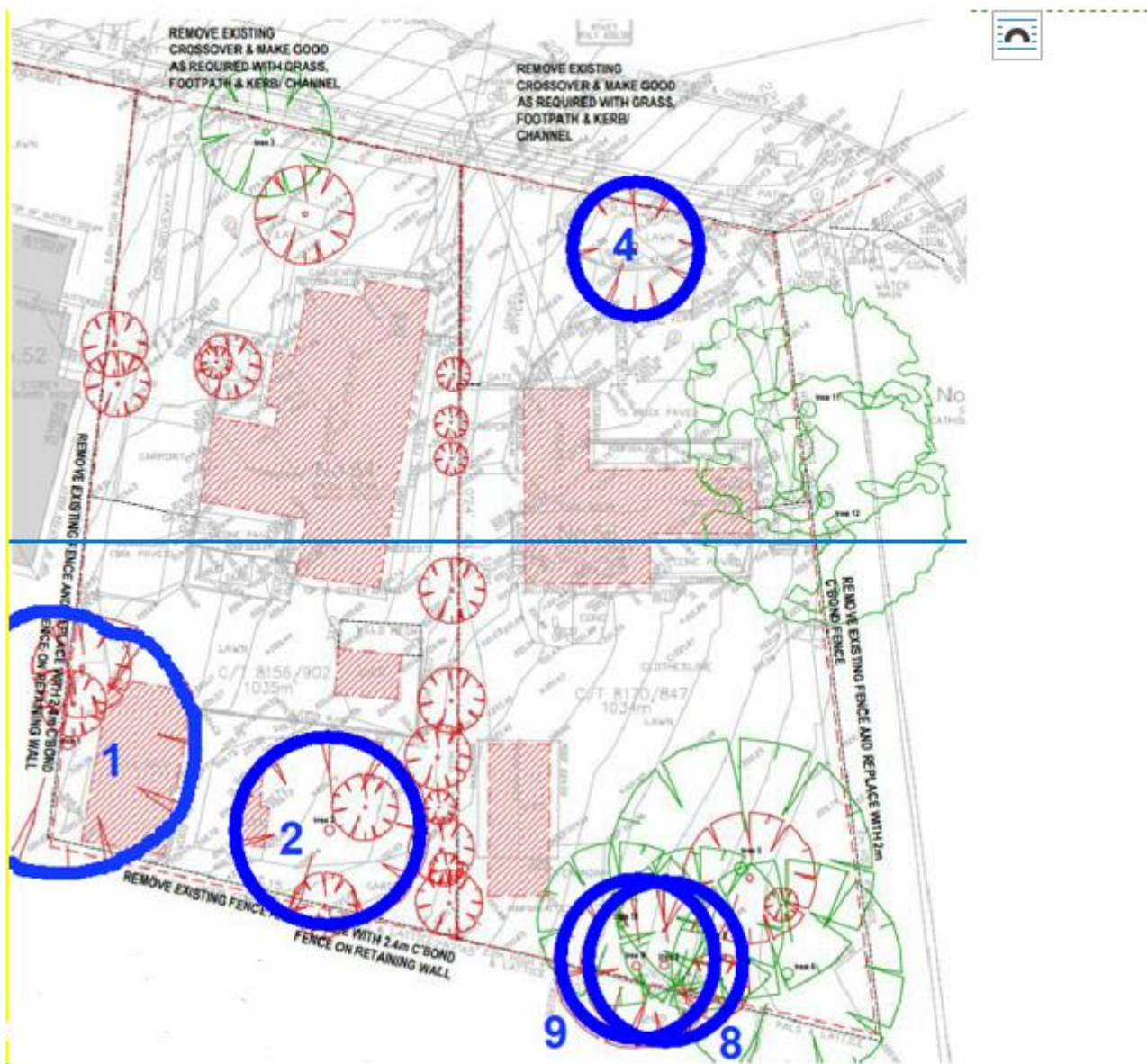
Using ResCode as a guide, the site coverage is satisfactory and maintains a sense of spaciousness within the site enabling suitable tree planting. The retaining wall with 1.8m timber fence is setback from the front boundary, and a 4.9m landscape buffer narrowing to 1.4m on the eastern side of the new accessway is proposed between the front boundary and the proposed fence. This will enhance the appearance of the development when viewed from Clegg Road.

It is considered that the landscape character objectives are achieved for this proposal in that the landscape is protected and enhanced. The proposal acknowledges that landscape design must contribute to the landscape character of the area. The proposal is therefore consistent with the policies set out at Clauses 12.05-2S (Landscapes) and 21.07 (Landscape – Objectives, Strategies and Implementation) of the Planning Policy Framework.

### **Vegetation removal in the Environmental Significance Overlay – Schedule 2 (ESO2) and Significant Landscape Overlay – Schedule 22 (SLO22)**

Under the provisions of the Significant Landscape Overlay a permit is required to remove, destroy or lop and vegetation specified in a schedule to the overlay. Schedule 22 states that a permit is required to remove, destroy or lop any indigenous vegetation or substantial tree. A substantial tree is defined as having a diameter at breast height (DBH) greater than 0.16 metres 1.3 m above the ground. (Equivalent to a circumference of 0.5 metres at breast height).

Because the site is located in a Designated Bushfire Prone Area, the Bushfire Protection Exemptions at Clause 52.12 of the particular provisions of the planning scheme must be considered. These exemptions allow the removal of vegetation to create defensible space around an existing building used for accommodation and to remove vegetation along a fence line, there is a philosophical argument that the land is still being used for accommodation and will be for some time until the development for the Childcare Centre is approved and commences works to change the land from residential to commercial. However it is noted that this is not the accepted form of consideration in regard to the exemptions under Clause 52.12, therefore consideration of the vegetation removal needs to be assessed.



**FIGURE 5 – DIAGRAM SHOWING TREES TO BE RETAINED ( GREEN) TREE REQUIRING A PERMIT FOR REMOVAL (BLUE) AND EXEMPT TREE REMOVAL (RED)**

A planning permit is triggered for the proposed removal of Trees 1, 2, 4, 8 and 9 under the provisions of the SLO. An assessment against the provisions of the SLO is therefore required with respect to vegetation removal. The prepared Arborist Report (attachment 6) by Galbraith & Associates, has determined that Trees 3, 5, 6, 7 and 10 can be retained and will not be adversely impacted subject to implementation of the recommendations of the report.

Council's Arborist reviewed the application and confirmed that the vegetation on site provides a low contribution to habitat with moderate to high amenity value. Council's arborist has also confirmed that Trees 3, 6, 7, 10 and 12 can all be retained.

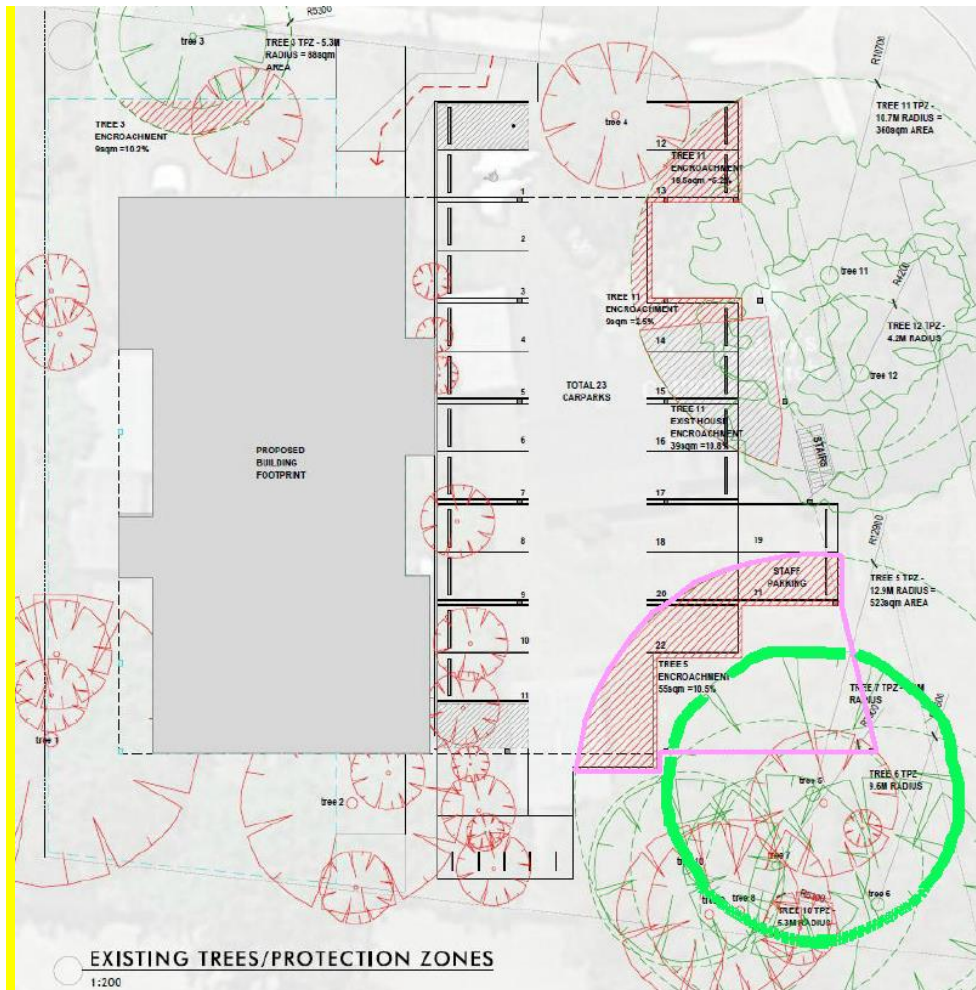
With respect to Trees 1, 2, 4, 8 and 9, the following is noted

- Tree 1 is a *Liriodendron tulipifera* (Tulip Tree), it is a tree of roughly 20m in height and is quite significant in size and poses a current issue to the existing garage. As a retaining wall is proposed along the boundary, this tree cannot remain viable in its current location for the development. If the proposal was not to proceed and the land remained as a residential building, the tree could be removed under the 10/30. Therefore, its removal is not contested.
- Tree 2 and Tree 4 are both *Liquidambar styraciflua* (Liquidambar). Tree two (2) requires some tree surgery to mitigate the split prone propensity of the trunk. Both trees are currently considered healthy however both trees could be removed by the dwelling owner under the 10/30 rule. The removal of Tree four (4) will impact the streetscape, however the submitted plans show sufficient planting going back into the area.
- Tree 8 is 10 metres and Tree 9, 20 metres are both *Eucalyptus radiata*. Tree 8 has been identified as having decaying wounds and stem failure, while Tree 9 has been heavily pruned. Currently each tree could be removed under the 10/30 rule. With regards to the SLO, while these trees do aid in the landscape value of the site, they are not the most significant and high value trees on the site and on balanced the protection of the other trees, especially the retention of Tree 5 and 6. Trees 5 and 6 provide a much high amenity and landscape value and are healthy trees, therefore the removal of Tree 8 and Tree 9 is acceptable.

The TPZ's and the associated encroachments are shown on Drawing No. DA04 of the development plans at Attachment 4.

Council's Arborist has highlighted concerns with Tree five (5) within the development site, a large mature indigenous tree. The plans show the building roof line coming into 1.5 metres of the trunk and requiring a large amount of canopy clearance to enable construction. With a 10.5 per cent encroachment, this ground level encroachment exceeds 10 per cent of the TPZ area and will lead to loss of water availability.





**FIGURE 6– DIAGRAM SHOWING WORKS WITHIN TPZ OF TREE 5**

Plan showing TPZ encroachment into Tree 5 (green circle = TPZ, pink outline showing the encroachment at both ground and first floor level). It is noted from the Arborist Report that Tree 5 has a large tear wound at 8m and requires hazard reduction pruning. This area is generally where the upper level TPZ encroachments occur, given this pruning is required regardless of the use on the land, it is considered acceptable. Furthermore, additional pruning would be required to ensure no tree branches overhand the roofline to ensure appropriate bushfire mitigation.

With regard to the neighbouring trees, and particularly Tree 11, a proposed retaining wall will be set back 2.4m from the eastern boundary fence, adjacent to the proposed stairs as shown in cross-section B of Revision B, drawing No. DA10. This is not shown on the floor plans or the landscape plan. The extent of any site cut cannot be determined from the plans, however, assuming the retaining wall will continue past Tree 11, the tree will be impacted as the wall could encroach into the TPZ by up to 24 per cent.

It is noted from the Arborist Report that site cut will create roughly 18 per cent encroachment into the Tree Protection Zone, there already exists an encroachment of 10.8 per cent by the existing masonry house, therefore; the development in effect only creates a 7.2 per cent encroachment. Notwithstanding this, the cumulative impact is still greater than 10 per cent, therefore, clarification of the site cut area and the location of the retaining wall is required and has been included in a condition 1 requirement, should a permit be issued.

While Council's arborist has consented to the development subject to conditions relating to tree protection fencing, tree sensitive works, tree removal and replacement plantings, the matter of the tree encroachment to Trees five (5) and 11 must be resolved prior to the commencement of works. If council supports the application, a condition of a permit would require that prior to the commencement of works a Tree Protection Plan must be provided to the satisfaction of Council. The plan will make recommendations for the protection of the trees adjacent to the site (Trees 11 and 12) and tree five (5).

There were also questions raised at the community consultation meeting with regard to the proposal and its impact on the wildlife corridor in close proximity to the site and impost on the Green Wedge area in terms of a land use. In response to the wildlife corridor question, there is no zoned corridor in the immediate area. The land surrounding the development is zoned Green Wedge and as a result includes significant areas of vegetation, particularly to the east and south of St Mary's Catholic Primary School. The linear vegetation patches contained within the Green Wedge areas continues to provide the protection for wildlife. The development does not have an impact on this aspect, given that the subject land is being used for a domestic purpose and does not provide any net benefit to wildlife currently, the change of use to a commercial one does not create any additional impacts to wildlife.

Notwithstanding this aspect, a condition of the permit, should one be issued, will require a wildlife handler inspect the trees before their removal and relocate any wildlife to a more suitable location.

### **Buildings and works in the Bushfire Management Overlay (BMO)**

Pursuant to Clause 44.06 (Bushfire Management Overlay), a permit is required to construct a building or construct or carry out works associated with an Education Centre, which includes a childcare centre.

A Bushfire Management Statement including bushfire hazard landscape and site assessment has been prepared by Terramatrix Pty Ltd (Attachment 8). The assessment concludes that the development can meet the defendable space and construction objectives, water supply and access requirements of Clause 53.02 (Bushfire planning). Defendable space will be managed in accordance with Table 6 to Clause 53.02-5 and a 10,000 litre capacity water tank with fire authority compliant outlet and fittings to be provided. Access will be via the proposed accessway that will also be constructed to fire authority requirements.

The application has been referred to the Country Fire Authority (CFA) who have responded that it has no objection to the proposal subject to endorsement of the Bushfire Management Plan and a condition of permit requiring a Bushfire Emergency Plan (BEP).

The BEP will addresses procedures for closure of the premises, evacuation and shelter-in-place, annual reviews of the plan, roles and responsibilities of staff, emergency contact details, and bushfire monitoring procedures.

In view of the above, it is considered that the proposal satisfies the purpose of the Bushfire Management Overlay at Clause 44.06 and the Bushfire Planning performance standards at Clause 53.02. It is considered therefore that the strategy at Clause 13.02-1S (Bushfire Planning) of the Planning Policy Framework to prioritise the protection of human life and reduce the vulnerability of communities to bushfire is achieved.



It is further noted that at the Community Consultation a question was raised in regard to normal evacuation procedures in the event of an incident or fire within the building and where would the evacuation point be given the constraints on the land and unavailable open space for safe passage. In the event of minor occurrences, there is sufficient room within the car park. However, in the event of fire alarm and the need to evacuate children of varying ages and mobility further consideration is required, this is generally outside the scope of a planning land use consideration and falls into the operational space. However, the applicant has agreed to a condition for the provision of an Operational Management Plan to be provided which will outline the evacuation procedures.

## **Low Density Residential Zone - Use**

### **Amenity impacts**

As identified by the applicant, the main external amenity impacts associated with the proposal relate to noise, visual impact, overshadowing and overlooking.

#### Noise

Potential noise sources associated with the proposal are from children playing, mechanical plant and equipment, and vehicle movements.

Outdoor play areas are typically supervised by staff and the time spent outdoors by children is generally intermittent. However, given that the proposed hours of operation are 6.30am to 6.30pm, and the proximity of the proposal to adjacent residential properties, potential noise impacts from children playing must be addressed.

The acoustic report prepared by Watson Moss Growcott (WMG) Acoustics notes the following:

*In the absence of regulated quantitative noise assessment procedures, several members of the Association of Australasian Acoustical Consultants (AAAC) in New South Wales developed a qualitative assessment procedure.*

*The guidance contained within the AAAC Guidelines indicate that noise associated with children playing within outdoor areas for greater than two hours per day should not exceed the lower levels of the ambient background noise by more than 5 dB(A), and by no more than 10 dB(A) if the outside playtime will be two hours or less during the daytime.*

*Whilst acknowledging that the AAAC Guideline is of assistance, previous VCAT determinations including *Tamoe Investments Pty Ltd v Glen Eira CC [2015] VCAT 719* have identified that the document is not a reference document in the Scheme nor is it an adopted Policy of Council.*

*In addition to the above, there are various determinations and approvals from Council and VCAT including *Rosenberg v Glen Eira [2016] VCAT 1433* which have considered the background noise + 5 dB(A) as conservative given that typical childcare facilities operate during weekday daytime periods only, and occupation of outdoor areas is often intermittent rather than continuous.*

*Noise levels at sensitive receptors equivalent to background + 10 dB(A) have commonly been considered as appropriate by other relevant Authorities.*

The acoustic report indicates that the proposed childcare centre will achieve noise levels commensurate with the AAAC Guidelines, however it is noted that 52 Clegg Road will be adversely impacted where activity in the outdoor areas occur for more than a continuous occupancy of two (2) hours.

To address noise impacts to adjoining lots, and in particularly 52 Clegg Road, the Acoustic Report provides acoustic barriers to be installed to mitigate noise levels above the industry acceptable standards. There are specific construction requirements outlined in the report which must be adhered to so as to ensure appropriate noise mitigation measures.

Furthermore, the Acoustic Report also noted constraints relevant to previous Covid Lockdowns and the need to conduct further assessment prior to occupation of the development to ensure all modelling is accurate and based on the correct ambient background noise levels. A condition of any permit would require an amended acoustic report to update the acoustic findings and that the plans show any additional measures that may be required as well as the aforementioned acoustic barriers.

With regards to recommended noise barriers, physical noise attenuation and noise management plans are valid ways to ensure noise levels are not excessive, and it is appropriate to impose these conditions on a permit. If a decision on the application was to be made a condition of the permit would require that a Noise Management Plan to be provided to the satisfaction of Council for endorsement.

#### Mechanical plant and equipment

An Acoustic Report prepared by WMG Acoustics Pty Ltd states that noise emissions can be controlled through the selection of low noise equipment combined with dedicated attenuation if deemed necessary. A condition of any permit would require compliance with the EPA publication "Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues." The recommended levels apply to noise from all scales of commercial (including businesses), industrial and trade premises.

#### Traffic / vehicle noise

Impact from vehicle movements will occur between the hours of 6.30am and 6.30pm from the operation of the centre. It is likely that the change in noise patterns from the proposal will impact the adjacent residential properties at 50B and 52 Clegg Road. This will be partially addressed by the design. The proposed car park is located on the eastern side of the site as far away as possible from the adjacent dwellings at 50B and 52 Clegg Road. The setback between the south-west corner of the car park and the common boundary with 50B Clegg Road is 7.834 metres. It is also considered that early morning noise will be limited as the centre will not be fully operational at 6.30am.

WMG Acoustics Pty Ltd was engaged to undertake an assessment to consider noise emissions from the proposed use. This is provided at Attachment 7. Due to the imposed 'lockdown' associated with COVID, a site investigation to consider the existing acoustic environment at sensitive receptors was not undertaken.

However, noise modelling was undertaken to predict noise emissions associated with the proposed use from vehicles within the car park, waste collection, events, services equipment, and noise from children playing outdoors. This alternate approach to modelling

in the absence of onsite assessment is acceptable and a common practice in noise assessments.

The report concludes that it is reasonable to provide noise mitigation measures where possible. It outlines noise control strategies to mitigate noise however it will be necessary for a further report to be provided following monitoring post-lockdown to confirm the expectations within the report and to update findings. A recommended condition would require an updated acoustic report to be provided to Council's satisfaction prior to the commencement of works.

It is considered that with appropriate conditions, noise effects on sensitive nearby land uses could be included, which would appropriately address the strategy at Clause 13.05-1S (Noise abatement) of the Planning Policy Framework to ensure that development is not prejudiced, and community amenity and health is not adversely impacted by noise emissions can be satisfied.

### Visual impact

It is proposed to supplement existing vegetation with new plantings that will visually soften the built form when viewed from Clegg Road and adjoining properties. This includes trees, shrubs, ground covers and creepers. A balance must be achieved between visual amenity and bushfire risk, and it is considered that the proposal achieves this through appropriate plant selection, i.e., limiting the use of medium/large trees near the building.

The building is a contemporary design and acknowledges the prevailing neighbourhood character which includes pitch roof forms and timber cladding. Fencing heights are variable along Clegg Road, ranging from low to high. Some lots have no fencing. It is therefore considered that the proposed retaining wall and fence is acceptable, noting that this too will be softened by landscaping.

In terms of the properties most affected by the siting of the building (50B and 52 Clegg Road) it is considered that the setbacks are appropriate as previously discussed. It is noted that the pitch of the roof is positioned closer to the centre of the site, i.e., the highest part of the roof is 12.5 metres from natural ground level, however 10.5 metres from the finished floor level.

Shadow diagrams (Attachment 4) show some shading to adjacent residential properties but this is not excessive again noting that, although not technically applicable, the shadowing would comply with the overshadowing requirements of ResCode.

Overlooking has also been addressed. All first floor, the west and south facing windows will include minimum sill heights at least 1700mm above finished floor level and the first-floor outdoor play area will include a 1800mm high obscure film/frosted glass balustrade at the southern edge as previously noted in this report. Condition 1 will require the glazing to be fixed obscure glazing, rather than film which can be easily removed.

In view of the above matters it is considered that amenity impacts have been satisfactorily addressed or can be through conditions on permit.

### *Clause 52.05 – Signs*

## Advertising signage

Pursuant to Clause 52.05-13, a permit is required for business identification signs in a Low Density Residential Zone.

It is proposed to erect two (2) business identification signs detailing the childcare centre provider/business name ('Eden Academy: Mount Evelyn') fronting Clegg Road, as follows:

- One (1) x sign integrated with the front fence elevation.
- One (1) x wall mounted sign to the childcare centre building at first floor.

The signs will not be illuminated. All signs are proposed to be acrylic cut and fixed to walls and the front fence and are shown on the architectural plans under attachment 4.

In addition to the decision guidelines at Clause 52.05-8 of the signs particular provision of the planning scheme, the local planning policy at Clause 22.04 (Advertising Signs) must be considered. The objectives of the policy are to ensure that:

- *Signs provide appropriate and effective identification of businesses and other land uses requiring identification.*
- *Signs do not detract from the amenity and streetscape or landscape character of the surrounding area.*
- *Signs do not detract from the appearance or architecture of the building on which it is displayed.*
- *The size and height of signs are compatible with the scale of the building or site on which they are displayed, the surrounding streetscape or landscape and the size and nature of other signs in the area.*
- *Encouragement is given to the use of sign themes in commercial areas and to ensure that signs are compatible with any advertising pattern or theme that has been developed for the area.*
- *Sign clutter is avoided or reduced so as to maintain or enhance the built and natural environments of the Shire and in order to maximise the effectiveness of individual identification signs.*
- *Signs do not create any form of traffic hazard.*

Furthermore, it is policy that in Residential Areas, the signs be:

- *Unobtrusive and fit with the residential character of the area.*
- *Limited to the minimum necessary to identify the premises.*
- *Appropriate to the scale of the development and the size of the site.*
- *Of colours that are unobtrusive and compatible with the surrounding residential streetscape.*

- *Only illuminated if they relate to a permitted business which operates at night and only if there will be no spillage of light that causes a distraction to motorists or if the sign will not be visible from residential properties.*

The proposed signs are not excessive and will clearly identify the business on the site to users of Clegg Road, i.e., the signs will not require close study from a moving or stationary vehicle thus ensuring that a traffic hazard is not created. The colouring reflects the corporate colour scheme of the business, and the signs are of a size that is appropriate to the scale of the development. They will be suitably spaced with one sign proposed for the upper floor of the building, the other on the fence, both facing Clegg Road. The colouring and the setback of the signs will ensure that they are not mistaken for traffic control devices, nor will they reduce the clarity of the signalised pedestrian crossing located north-west of the site.

The signs are an acceptable design response that will not detract from the amenity and streetscape of the area. This aligns with the purpose of Clause 52.05 and the objectives of the policy at Clause 22.04-2 of the Planning Policy Framework.

*Clause 52.29 – Land Adjacent to the Principal Road Network*

### **Traffic impacts and car parking**

Pursuant to Clause 52.29, a permit is required to create or alter access to a road in a Transport Zone 2 (TZ2). Clegg Road is in a Transport Zone 2. An application must be referred to the Department of Transport.

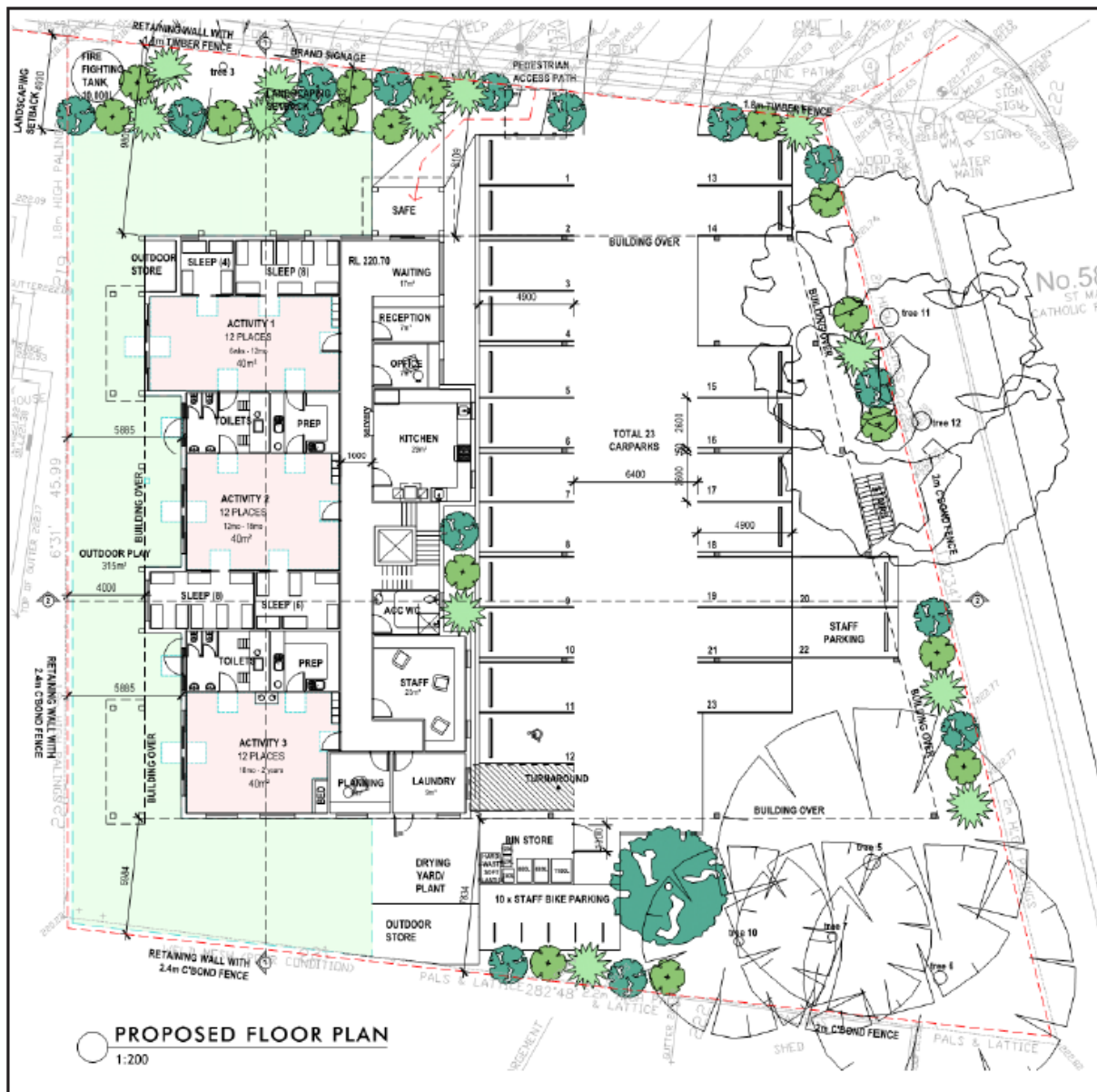


FIGURE 7 – DIAGRAM SHOWING PARKING AREA

A 6.2-metre-wide crossover for site ingress and egress is proposed for the north-east corner. This is acceptable to the Department of Transport which has commented that the proposed development is within a service road like environment whereby the subject site and St Mary's School will share vehicle access. The intersection of Clegg Road and the St Mary's School access operates partially like a roundabout.

The Department considers that arrivals to the school and the childcare centre are likely to coincide at peak times and the conflicting movements of 53 arrivals cutting across 70 right-turners and 70 left-turners into the site needs to be mitigated. Therefore, all vehicles must exit westbound and additional signage is required to reinforce this. A recommended condition of any permit will require this signage to be installed prior to the use commencing. It is also noted that in the department's correspondence that access arrangements should be subject to a safety audit, however the Department did not condition this element.

It is noted that the Department of Transport has been contacted several times to review their referral response in light of the many objections relating to safety and access to and from Clegg Road for both the School and the proposed Childcare Centre. At the time of this report being prepared, no further update from the Department had been received.

Given the concerns by residents relating to safety, Council considers that this is a reasonable requirement. In addition, the safety matter was raised by the objectors both through their submissions and the community consultation. As such, should a decision to support the application be made, a condition of the permit (condition 1(h)) requires a Traffic Safety Audit.

The Traffic Impact Assessment prepared by Ratio has been assessed by Council's Traffic Engineers which has concluded that traffic impacts are acceptable. The traffic survey has taken tube data counts which occurred in 2018, more specifically, 02 May to 08 May 2018, using this data the report has extrapolated the information under a 'First Principles Assessment', which essentially means that the data is taken and modelled. The report notes that at the time of the report, there were 315 pupils at St Mary's Catholic Primary School, applying the traffic rates from the 2018 data the report assumes a traffic generation rate of 0.89 vehicle movements per pupil in the AM and 0.67 per pupil in the PM, resulting in 280 Vehicle movements in the AM and 212 in the PM.

Whilst the data count was undertaken in 2018, the extrapolation of data based on current student numbers is appropriate as it gives a clear indication of what a traffic count would have evidenced had lockdowns not precluded recent traffic counts from occurring. The impost on the road network is outside the control of Council as this is a Department of Transport Road, however the information provided in the Traffic Assessment, as noted above, is acceptable to Council's Engineering Department.

It is further noted that there is existing infrastructure on the southern side of Clegg Road and the property is within the 60km/h speed zone and a variable 40km/h zone during school peak due to the St Mary's Primary School which mitigates traffic and safety concerns. Given the reduced traffic speeds along this section of road it is considered that this recognises pedestrian safety to and from the school during peak times to the greatest extent possible for this road. Outside of peak times, the car park will be generally empty and available for users to park within so as to avoid offsite conflicts with Clegg Road in terms of pedestrian connectivity.

The proposed opening hours of the childcare centre do not exceed the length of peak AM and PM operating times. Parents using the centre at these times will be on an ad-hoc format would be for very short bursts of time and account for only a small percentage of the clientele, predominantly peak demands for car parking in Childcare centres coincide with the normal peak times for schools.

#### Car parking spaces

Pursuant to Clause 52.06 (Car parking), a car parking rate of 0.22 car spaces to each child is required. It is proposed to accommodate 120 children at the facility requiring 26 car spaces. It is proposed to provide a total of 22 spaces on-site including one (1) disabled space, a shortfall of four (4) spaces. A reduction of the planning scheme car parking requirement is therefore sought.

The Traffic Engineers have commented that the traffic report uses a conservative peak parking rate of 0.19, requiring a total of 22 spaces on the site which has been proposed. As such, it is considered that the number of parking spaces is satisfactory for this development.

It is noted that within the Traffic Report, consideration of parking and the ability to dispense car parks for the development is discussed. The Traffic Report draws upon Planning Practice Note 22 which discusses, among other things, multi-functional trips and reduction of cumulative need. The report highlights car parking within private property, namely St Mary's Catholic Primary School.

Concerns were raised by objectors who have thought that this implies the use of the school car parks by the Childcare centre. What is actually anticipated is cross utilisation of car spaces, whereby parents may have children in both the Primary school and Childcare centre. Parents would park in the Primary school or the childcare centre (or offsite) to utilise both services. Therefore, under Planning Practice Note 22, this would be deemed a multi-functional trip and some of the shortfall in the Childcare centre can be offset by the multi-purpose trip usage of the car parks in St Mary's. There is no proposal to reduce any car parks from St Mary's.

The proposal of cross-utilisation car parks is quite common where there is a cluster of uses and is considered an appropriate mechanism to consider car parking reductions for any use that cannot meet the requirements under Clause 52.06, where multi-purpose trips are reasonably expected to occur. Council's Traffic Department are agreeable to the car parking reduction on this basis.

#### Bicycle spaces

Pursuant to Clause 52.34, bicycle spaces are not required to be provided for a childcare use. Despite this, it is proposed to provide 10 staff bike parking spaces at the southern end of the development near the boundary fence. In addition, lockers and showers are to be provided to complement these spaces thereby promoting sustainable transport initiatives.

The design was assessed against the design standards at Clause 52.06 (Car parking) of the planning scheme and Australian Standards AS2890.1 and AS2890.6 to check the functionality of the parking area. The dimensions of the accessway, car parking spaces, and gradients comply with the planning scheme and Australian Standards.

#### **Waste management**

A Waste Management Plan prepared by Ratio Consultants has been provided and is attached at Attachment 14. Waste facilities will be located at the southern end of the site adjoining the car parking area and waste will be collected by a private contractor using mini rear loaders outside of the childcare centres operating hours. Council's Waste Management Team has assessed the plan and deemed it be satisfactory, however has commented that consideration should be given to doubling the size of the bin to enable a once-weekly collection instead of twice-weekly. The applicant has responded that the waste collector contractors prefer 120-litre bins for organics as anything larger gets too heavy and is not practically possible to remove.



A swept-path analysis has been provided which shows that waste vehicles can access the car park, conduct waste collection adjacent to the bin storage area, turnaround and exit the site in a forward direction.

### **Sustainable Design Assessment**

A Sustainable Design Assessment has been prepared by Low Impact Development (LID) Consulting which details a number of initiatives to be included in the development relating to energy efficiency, water and stormwater measures, indoor environment measures to keep occupants healthy, sustainable materials, sustainable transport and urban ecology.

The development was assessed using the 'Built Environment Sustainability Scorecard' (BESS), obtaining a total score of 52 per cent and passing all mandatory categories. A score of 50 per cent or greater (including compliance under water, energy, stormwater and IEQ categories) demonstrates a Best Practice environmentally sustainable development.

The report is to the satisfaction of Council's ESD (Sustainability) Officer. A condition of permit will require that the ESD report associated with the plans forms part of the planning permit and is therefore required to be read in conjunction with drawings' notes and specifications endorsed to the planning permit and applied accordingly.

It is considered that the proposal adequately addresses the objective of Clause 15.02-1S (Energy and resource efficiency) of the Planning Policy Framework in that the energy, water and waste performance of the development is environmentally sustainable.

### **Amendment C148 to the Yarra Ranges Planning Scheme**

At the time of this report, Amendment C148 to the Planning Scheme is yet to be gazetted. However, the Amendment has been submitted to the Minister for Planning for final approval, following its Panel Hearing. As such, this amendment is afforded the status of a 'seriously-entertained' amendment and is required to be considered as part of this application.

Amendment C148 would refresh the content contained within the Municipal Strategic Statement and the Local Planning Policy Framework. However, it would not alter the policy considerations for this site, which requires that built form be site-responsive and respectful of the surrounding landscape noting that the revised:

- Clause 21.04-2 (Discretionary uses in residential zones) seeks to provide opportunities for non-residential uses that respond to local community needs and retain the residential character of the area.
- Clause 21.05 (Built Form) continues to promote the proper siting and good design in the construction of all buildings by encouraging the siting and design development respond to the characteristics of the site and surrounding area.

It is considered that the proposal would continue to be consistent with the seriously entertained provisions under Amendment C148.

### **NOTIFICATION**

Notice of the proposal was undertaken with a sign erected on the front of the property, and letters sent to adjoining owners and occupiers. Evidence of the sign being displayed are

shown below. The signs were erected on the 12/11/2021 and removed on the 30/11/2021. A total of 29 letters were sent to adjoining owners and occupiers on the 11 November 2021.



### Objections received

Sixty-three (63) objections and one (1) letter of support were received against the proposal from the surrounding property owners/occupiers. Response to the issues raised in the objections & support are as follows:

Grounds of concern	Planning assessment
<p><b>Traffic Impacts</b></p> <ul style="list-style-type: none"> <li>- Traffic congestion on Clegg Road.</li> <li>- Vehicle and pedestrian safety, particularly at the proposed entrance/exit to the childcare centre.</li> <li>- Insufficient car parking for the proposed use and development. Car parking will overflow into St Mary's Primary School car parking spaces.</li> <li>- Vehicles exiting from Leggett Drive impacted by additional congestion on Clegg Road.</li> <li>- Traffic management measures have not been considered.</li> <li>- Construction vehicles will conflict with other traffic and impact car parking availability in the area.</li> <li>- Waste collection will be disruptive to nearby residents.</li> <li>- The traffic study was undertaken in 2018 so does not take account</li> </ul>	<p>A Traffic Impact Assessment (TIA) was submitted with the application that concluded that additional traffic from the proposed use can be safely accommodated on the adjoining road network. Council's Traffic Engineer has reviewed the TIA and is satisfied that the proposed use and development can be safely accommodated on the site.</p> <p>The application has been referred to the Department of Transport which has no objection to the proposal subject to conditions requiring amended plans showing suitable crossover construction, signage to reinforce left-in / left-out access, no right turn / no U-turn at the westbound exit, and removal of redundant crossovers. The Department has not required an extension to the turning lane to the east (towards Wandin) nor any additional traffic control measures.</p> <p>Council cannot condition any works in the State Controlled Road as the road is under the Control of the Department of Transport.</p> <p>A Construction Management Plan is required by a condition of permit which will require traffic arrangements to be addressed for construction vehicles.</p>

Grounds of concern	Planning assessment
<p>of current traffic conditions.</p> <ul style="list-style-type: none"> <li>- Need more traffic control measures</li> <li>- Longer turning lane from town centre to Wandin would benefit</li> </ul>	<p>Matters relating to traffic impacts have been discussed further under 'Traffic considerations and car parking' above.</p>
<p>Impacts on the adjoining residential property to the west with respect to the proposed 2.4m fence on retaining wall. The owner is concerned that he will not have input into the retaining wall and fence colour and the construction of the wall.</p>	<p>Fencing on boundaries is a civil issue and outside the gambit of Council's control.</p>
<p>Privacy impacts on the adjoining residential property to the west from the western facing obscured windows on the first floor.</p>	<p>It is proposed to condition the use of fixed obscure glazing via a condition 1 requirement to all upper floor west-facing windows to a height of 1700mm above floor level and the first-floor outdoor play area will include a 1800mm high obscure film/frosted glass balustrade at the southern edge.</p>
<p>The building design is out of character and not appropriate for the area.</p>	<p>The assessment has established that while the footprint of the building is somewhat larger than a typical detached house, its overall proportions and forms are typical of a contemporary double storey dwelling and will not look out of place in the neighbourhood.</p>
<p>The impact on trees within the site and to neighbouring trees is unacceptable.</p>	<p>The assessment has established that the trees proposed to be removed are acceptable having regard to their position on site and given that they could have been removed, as of right, before an application was lodged. The proposal still retains some significant trees along the interface to the car parking of St Mary's and at the rear of the site.</p> <p>There will be some encroachment into the tree protection zones however a Tree Protection Plan will be required to ensure that these trees are not adversely impacted.</p>
<p>The building setbacks are insufficient and not in keeping with neighbourhood character.</p>	<p>The assessment has established that the setbacks of the building are acceptable having regard to ResCode standards which have been used as a guide. The setback at the front is generally consistent with other development in Clegg Road.</p>
<p>Site coverage is excessive.</p>	<p>The assessment has established that the site</p>

Grounds of concern	Planning assessment
	coverage is acceptable. Using the ResCode standards as a guide, the site coverage of 54.2 per cent is within the maximum site coverage allowed under the standard which is 60 per cent.
Insufficient landscaping provision.	The assessment has established that landscaping throughout the site is appropriate. A landscape has been provided which provides for retention of existing trees and additional plantings across the site frontage and throughout the site including new trees, shrubs, groundcovers and creepers. The landscaping has been designed to take account of the bushfire protection requirements that must be met for defensible space.
The location of the childcare centre is inappropriate and is not necessary in the area.	<p>The assessment has established that the proposal is acceptable as it is of a scale and design that respects the environmental and built elements of the area and is compatible with the surrounding neighbourhood character.</p> <p>In addition, clustering the Child Care beside a School is an acceptable land use as it provides complimentary services to the adjoining school.</p> <p>The issue of need is subjective. When looking at available childcare centres in the immediate area there are a number of centres providing complimentary services, but have limited approved places. The availability of places in general has been discussed within this report previously under Stakeholder Views. Whilst there is no demonstrable demand in the data available, this is not a valid planning reason for refusing a proposal. The market will determine the viability and appropriateness of a child care centre in this location.</p>
The hours of operation disruptive to nearby residents.	The proposed hours of operation are consistent with other childcare facilities which must operate to make provision for early drop-offs and after-work pickups. An Acoustic assessment and report will be required by a condition of permit that will identify all noise sources from the operation and provide a strategy for mitigation of noise. The recommendations of the report will be required to be adopted by a condition on permit.
Glare causing a hazard to traffic on Clegg Road.	A condition of permit will require that the appearance of any building, works or materials must be managed so that the amenity of the area is not detrimentally affected. If it is

Grounds of concern	Planning assessment
	established that glare from the building is creating a nuisance or a hazard, steps will be required to be taken to eliminate the glare to comply with the permit condition.
Letter of Support	
<ul style="list-style-type: none"> <li>• The application is consistent with the Yarra Ranges Planning Scheme.</li> <li>• Site is suitably located to accommodate a purpose-built childcare centre.</li> <li>• Site provides a direct nexus with the adjacent primary school and enables the consolidation of an existing and proposed community/education.</li> <li>• The proposed centre is much needed to the local community and will provide care that is suitable for our children and those of our friends and community.</li> <li>• Sufficient car parking is provided for on-site to accommodate the needs of the centre.</li> <li>• The development is of an attractive design that will ensure a building and landscape outcome befitting to the valued character of the area.</li> </ul>	<p>The planning officer concurs with the submission. This planning report assesses and outlines the appropriateness of the proposal in context of the site and addresses the car parking, nexus of uses, built form and compliance with the Planning Scheme.</p>

## CONCLUSION

The proposed use and development of the land for a childcare centre is consistent with the planning policy framework and the purpose of the zone and overlays applicable to the site. The proposal is compatible with the surrounding area and will make a significant contribution to the landscape character of the area.

As such, it is recommended that the proposal be supported and Council make a decision that, if it were able to, that it would support the application for a Planning Permit for use and development of a childcare centre; display of business identification signage; car parking reduction; vegetation removal; and alteration of access to a Road Zone, Category 1 at 54-56 Clegg Road Mount Evelyn, subject to conditions as outlined in Attachment 1.

## ATTACHMENTS

- 1 Conditions (*published separately*)[⇒](#)
- 2 Planning Controls (*published separately*)[⇒](#)
- 3 Aerial Image (*published separately*)[⇒](#)
- 4 Development Plans (*published separately*)[⇒](#)
- 5 Landscape Plan (*published separately*)[⇒](#)
- 6 Arborist Report (*published separately*)[⇒](#)
- 7 Acoustic Report (*published separately*)[⇒](#)
- 8 Bushfire Management Plan (*published separately*)[⇒](#)
- 9 Traffic Report (*published separately*)[⇒](#)
- 10 Civil & Stormwater Details (*published separately*)[⇒](#)
- 11 Stormwater Drainage Plan (*published separately*)[⇒](#)
- 12 Stormwater Management Report (*published separately*)[⇒](#)
- 13 Environmental Sustainable Design Management (*published separately*)[⇒](#)
- 14 Waste Management Report (*published separately*)[⇒](#)
- 15 VCAT Case - Hume Childcare v Maroondah Shire (*published separately*)[⇒](#)
- 16 Planning Practice Note 22 - Using Car Parking Provisions (*published separately*)[⇒](#)

**7.2 Planning Application YR-2021/906 - 10-12 Briarty Road Gruyere****APPLICATION DETAILS**

<b>Site Address</b>	10-12 Briarty Road, Gruyere
<b>Application No.</b>	YR-2021/906
<b>Proposal</b>	Use and development of a winery, buildings and works to construct a fence and outbuildings, display of an internally illuminated business sign and vegetation removal
<b>Existing Use</b>	Vineyard
<b>Applicant</b>	Journeyman Planning
<b>Zone</b>	GWZ4 - Green Wedge Zone - Schedule 4d
<b>Overlays</b>	Bushfire Management Overlay (BMO) Significant Landscape Overlay - Schedule 14 (SLO14)
<b>Objections</b>	Ten (10)
<b>Reason for Council Decision</b>	Value of Development & Number of Objections
<b>Ward</b>	Ryrie

**SUMMARY**

It is proposed to use and develop the land for a winery, including cellar door, display of an internally illuminated business sign and to remove vegetation.

The proposed built form is architecturally designed to a high standard and is contemporary in nature, with articulation and varied finishes seeking to generate strong visual interest across the site and adjoining streetscape in line with other wineries within the Yarra Valley.

The application has been advertised and ten (10) objections have been received. Issues raised include impacts upon the rural landscape, traffic, scale of the use, and amenity impacts including noise and light.

It is considered that the proposal is consistent with the relevant planning controls as they relate to the Green Wedge Zone and the Regional Strategy Plan.

Overall, the proposal will enhance the economic prosperity of the Shire by realising the sites potential for productive agricultural and tourism activities. The proposal will strengthen the diversified economy of the Upper Yarra River region, by creating employment opportunities and increasing tourist activities in the area and it is appropriate to support the application subject to conditions.

**RECOMMENDATION**

***That Council resolve to approve Planning Application YR-2021/906 for use and development of a winery, buildings and works to construct a fence and outbuildings, display of an internally illuminated business sign and vegetation removal at 10-12 Briarty Road Gruyere and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.***

**DISCLOSURE OF CONFLICTS OF INTEREST**

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*.

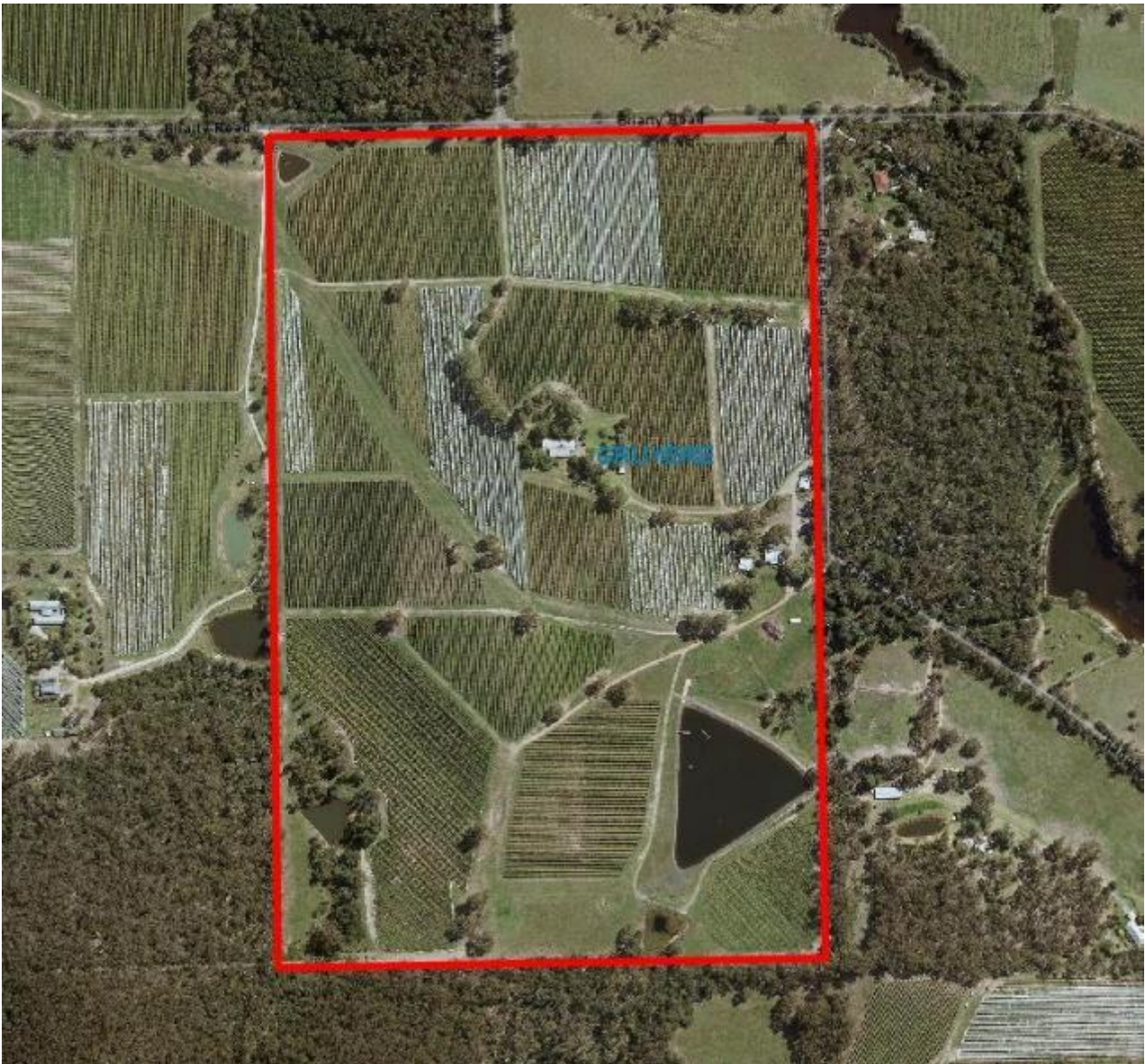
**SITE LOCATION AND DESCRIPTION**

The subject site is described on title as Lot 1 on Plan PC380640.

The land is rectangular and located on the south-west corner of Briarty Road and Range Road. The land has an area of 40.42 hectares and is occupied by Giant Steps (Sexton) vineyard, associated outbuildings, and dams. Two dwellings also exist on the land, one in the centre of the site and one to the east of the site. There is existing vehicle access from a crossover to Briarty Road adjacent to the intersection with Hill Road. There are also two existing vehicle access points to Range Road, proximate to the bend.

The land is developed with extensive vineyards for growing grapes for wine production. The wine grapes are currently harvested and transported off site for wine production. At present, there is no wine being produced on site and accordingly there is no infrastructure associated with wine production, or any associated onsite sales from the land.





*Figure 1 Site and Immediate Surrounds (north at top)*

The topography of the site includes a fall from south to north of approximately 95 metres over a distance of approximately 780 metres. The highest part of the site has a level of 216.6 AHD.

The land is affected by Restriction K760069 in favour of APA Gas (formerly Gas and Fuel Corporation of Victoria) allowing APA Gas to access or remove any obstruction / vegetation / fence within that part of the land marked R (red) and requiring written consent from APA Gas for any buildings and works within that part of the land marked R (red). APA gas consent has been provided.

There are no other covenants, restrictions or Section 173 Agreements registered as encumbrances on the Certificate of Title.

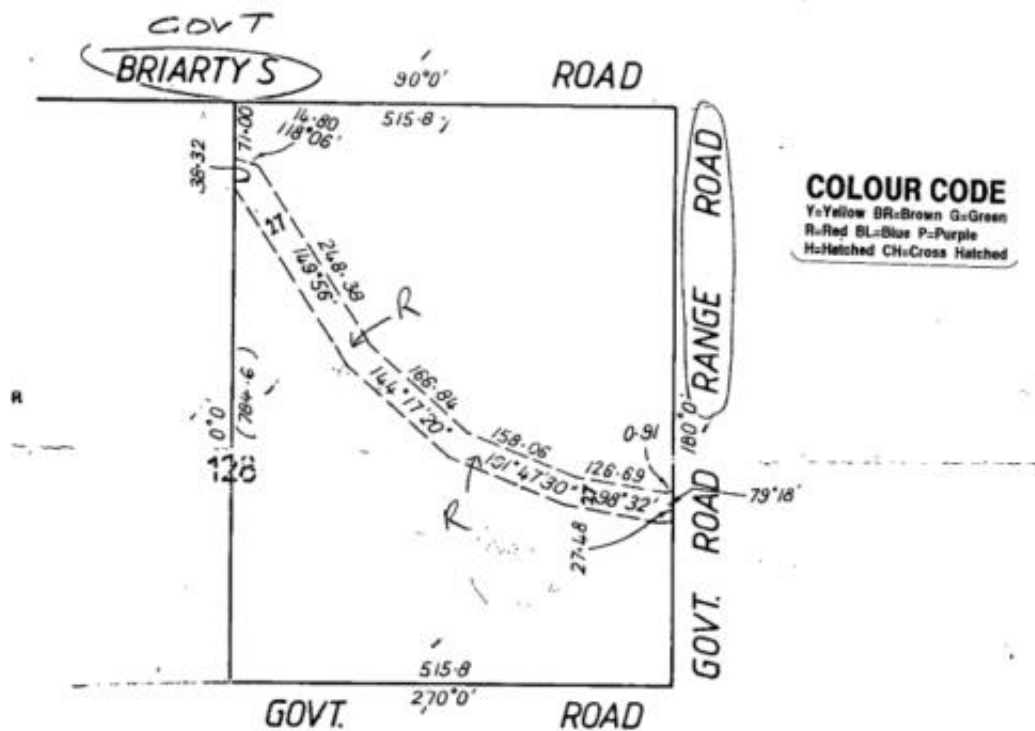


Figure 2 Title Plan with Easement

## SURROUNDING AREA

The subject site is located within the Yarra Valley, where surrounding land is used for a mixture of agricultural purposes including vineyards, extensive animal grazing and some ancillary retail uses associated with agriculture, as well as residential purposes to support the agricultural uses. Contextually, the land is well located between Lilydale (12 km north-east) and Healesville (7 km south-west), where tourism linked to agricultural activity, particularly vineyards and wineries, is predominant.

**North:** To the north of the land is Briarty Road, a sealed road maintained by Council. There is scattered vegetation in the road reserve and an 80kmph speed limit applies. On the north side of Briarty Road to the east is 17 Hill Road, which is used for cattle grazing, native vegetation / habitat, and a dwelling. On the north side of Briarty Road to the west is Yarrowalla at 13-15 Maddens Lane, which is used for tourist accommodation, a vineyard, cattle grazing, native vegetation / habitat and dwelling. Further to the north is Levantine Hill Estate at 15 Hill Road.

**West:** Adjoining the land to the west is 8 Briarty Road which is used for a vineyard, dwelling and native vegetation. Beyond this is Yarra Yering Vineyard and Winery at 6 Briarty Road, Warramate Vineyard at 27 Maddens Lane and Coldstream Hill Vineyard and Winery at 29 Maddens Lane.

**South:** To the south is an unmade government road and beyond this is the Warramate Nature Conservation Reserve zoned Public Conservation and Resource Zone. Also to the south is Lot A Carrol Road, Gruyere currently used for a vineyard and dwelling.

**East:** To the east is Range Road, which is an unsealed gravel road. Beyond Range Road to the east is 14 Briarty Road used for a dwelling and native vegetation. Also abutting the



land to the east is Castlerea at 6-8 Range Road, which is used for agriculture and a dwelling.



*Figure 3 Locality in broader landscape context*

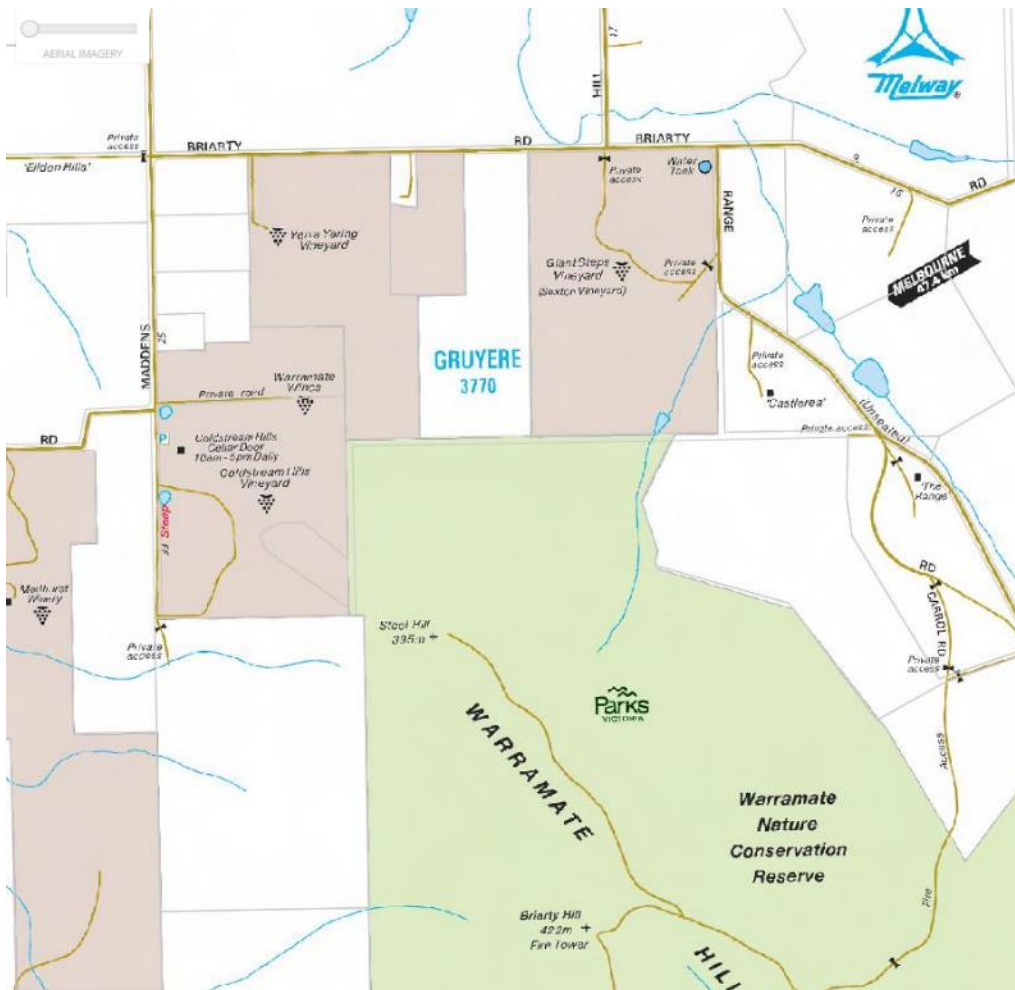


Figure 4: Extract from Melway showing location in context of nearby uses

**HISTORY**

<p><b>Application Number and Decision Date</b></p>	<ul style="list-style-type: none"> <li>• Planning Permit YR-1998/685 issued 18 May 1998 for the removal of vegetation for establishment of vineyard.</li> <li>• Planning Permit YR-2002/86 issued 10 April 2002 for the construction of a replacement dwelling.</li> <li>• Application YR-2002/790 refused 6 July 2004 for the construction of a winery production facility and conversion of existing residence into cellar door sales. This application was refused due to insufficient information being provided (EPA request for information).</li> </ul>
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**PROPOSAL**

This application is for the use and development of the land for a winery including construction of buildings and works for cellar door and wine production buildings, removal of vegetation, construction of a fence including entry gate, display of business identification sign and building and works for agricultural sheds. Details of the proposal, including the plans and planning report can be found in Attachments 4 and 5.

## Use

### *Winery*

The proposed winery use is to occur principally within the winery production buildings and the ancillary retail sales is from the proposed separate cellar door building.

It is proposed to relocate wine production from Healesville to the wine production building on the subject site. The volume of fruit for the current 510 tonne production level comes from the following vineyards:

- Sexton Vineyard (including 8 Briarty Road to the west) - 240 tonnes;
- Gladysdale - 100 tonnes;
- Tarrawarra - 60 tonnes;
- Gruyere - nothing yet but will be 15 tonnes;
- Woori Yallock - 30 tonnes;
- Yarra Valley - 50 tonnes; and
- Tasmania - 15 tonnes.

The wine production building seeks to process a maximum 800 tonnes (625,000 bottles) annually by 2028 with 30 per cent of grapes anticipated to be sourced from the subject land on 8 Briarty Road. The applicant has stated that:

*By having access to various, disparate subregions across the Yarra, fruit ripening (and harvest) timings are spread out. This in turn allows for the continual operation of equipment over a longer period of time which in turn allows higher quality winemaking by being able to extend the processing out to 8 weeks instead of everything being ready at once. In the case of GSW the inclusion of a small amount of high-quality Tasmanian fruit allows this process to be extended even further, extracting value out of not only the equipment but also the (seasonally) trained staff. It also allows GSW to offer longer more secure employment to skilled staff.*

The winery is to operate seven (7) days a week with 10 to 20 staff (four (4) to 14 staff in operations and six (6) office staff). There are eight (8) car spaces provided for staff.





Figure 5: Proposed Site Plan

### *Ancillary Retail (Cellar Door)*

The cellar door proposes wine tasting by appointment only with a maximum of 30 patrons between the hours of 9am to 6:30pm (9.5 hours) with a maximum six (6) sessions / 180 patrons per day. In addition, eight (8) events with a maximum 50 patrons operating 6pm until 9:30pm are proposed per year. Meals are not provided, only light snacks. Wine tasting sessions run for 30-40 minutes and are held every 1.5 hours.

The cellar door proposes to hold a maximum of eight (8) events per year with 50 patrons generally between 6pm and 9:30pm to launch new vintages or types of wine to media, restaurant and wine industry partners, wine club members and select wine specialists and enthusiasts for the promotion of the winery.

The cellar door entry portico, path, courtyard, tasting suites and tasting room are to be within the red line area where wine can be consumed for the purposes of the Producer's

Licence being sought. A Producer's Licence permits the provision and sale of wine (both retail and wholesale) from the licensed premises for on-premise and off-premise consumption.



Figure 6 Red Line Plan for Cellar Door

## Buildings and Works

### Cellar Door

A cellar door is proposed on the ridge top to the south of the land. The buildings are single storey with a flat roofed, contemporary design and comprise a 224 square metre wine tasting room and two 35 square metre wine tasting suites clustered around a landscaped courtyard. The buildings range in height from 3.1m to 5.6m above natural ground level. The buildings are located 292 metres from the east (Range Road) boundary, 135 metres from the south boundary, 190 metres from the west boundary and 608 metres from the north (Briarty Road) boundary.

To the south of the buildings is a 1.8 metre high, 24 square metre entry pavilion setback 105 metres from the south boundary. Beyond this is a car park with 13 spaces, a bus parking bay and an overflow car park containing six (6) spaces.



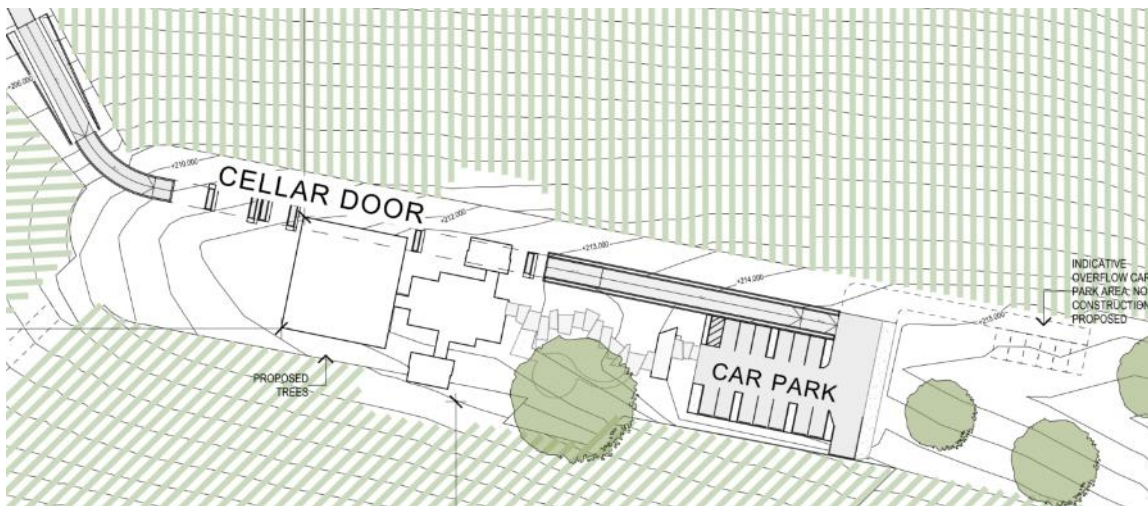


Figure 7 Site Plan View of Cellar Door



Figure 8 Plan View of Cellar Door

Access to the Cellar Door patron car park is via a “tunnel” located under the tasting room and the eastern tasting suite.

### Winery Production Building

The existing dwelling in the centre of the site will be demolished and it is proposed to construct a new winery production building for use by the existing vineyard and other vineyards. The new building is setback 184 metres from east boundary (Range Road), 286 metres from the north boundary (Briarty Road) and 230 metres from the west boundary. The winery production building measures 95.47 metres by 31.46 metres with a floor area of 3003sqm and a maximum height of 9.7 metres. The application proposes a



maximum excavation of 5.71 metres to the south. Facilities within the building include a 2280sqm barrel store and workspace, office, laboratory, and amenities for the winery. A 723sqm covered hardstand area for produce loading and unloading is proposed on the northern side of the building. Landscaping is proposed around the building.

A planning permit is not required under clause 52.27 for a manufacture licence. A producer's licence authorises the supply of:

- the licensee's own product to any other licensee at any time and at any place (wholesale);
- the licensee's own product to the public from the licensed premises for both on- and off- premises consumption;
- any liquor, including the licensee's own product, from the licensed premises for on-premises consumption;
- the licensee's own product to a person who makes an off-premises request (for example, orders by way of email, telephone, facsimile transmission, internet or other electronic communication); and
- the licensee's own product from an additional retail premises for consumption away from the licensed premises.

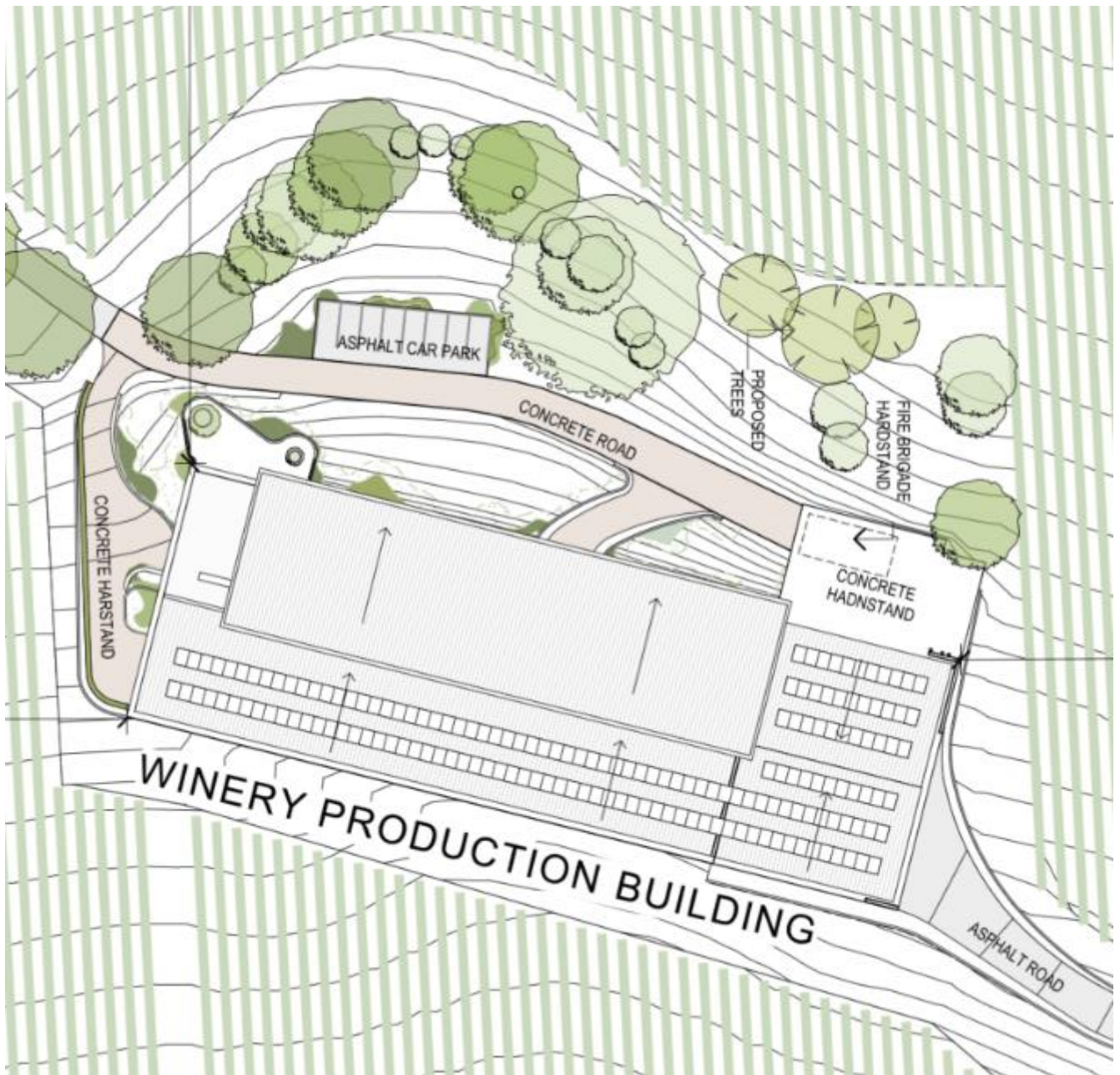


Figure 9 Site Plan View of Wine Production Building

### Vineyard equipment sheds

The existing dwelling, vineyard equipment sheds for machinery, chemical storage and other facilities associated with the operation of the vineyard located to the eastern boundary adjacent to Range Road will be demolished.

It is proposed to construct a new equipment shed for the existing vineyard setback 10.29 metres from the east boundary (Range Road) and 331 metres from Briarty Road. The shed measures 72.35 metres by 10.7 metres with a maximum height of 5.95 metres, stepping along the slope. Facilities include a wash down area and 20,000L water tank, machinery storage, heat room, fuel and chemical storage and waste treatment facility for the winery.

Six water storage tanks, each with a capacity 257,884 litre are setback 7.95 metres from the east boundary (Range Road) and 44 metres south of the new equipment shed. The tanks have a diameter of 8.7 metres and a height of 4.2 metres and are located on a pad level measuring 21.1 metres by 31.2 metres.

Except for the waste treatment system and the water storage, most of the equipment shed building and works are associated with the existing 'as of right' use of the site for a vineyard and are not subject to the use permission being sought for the winery.

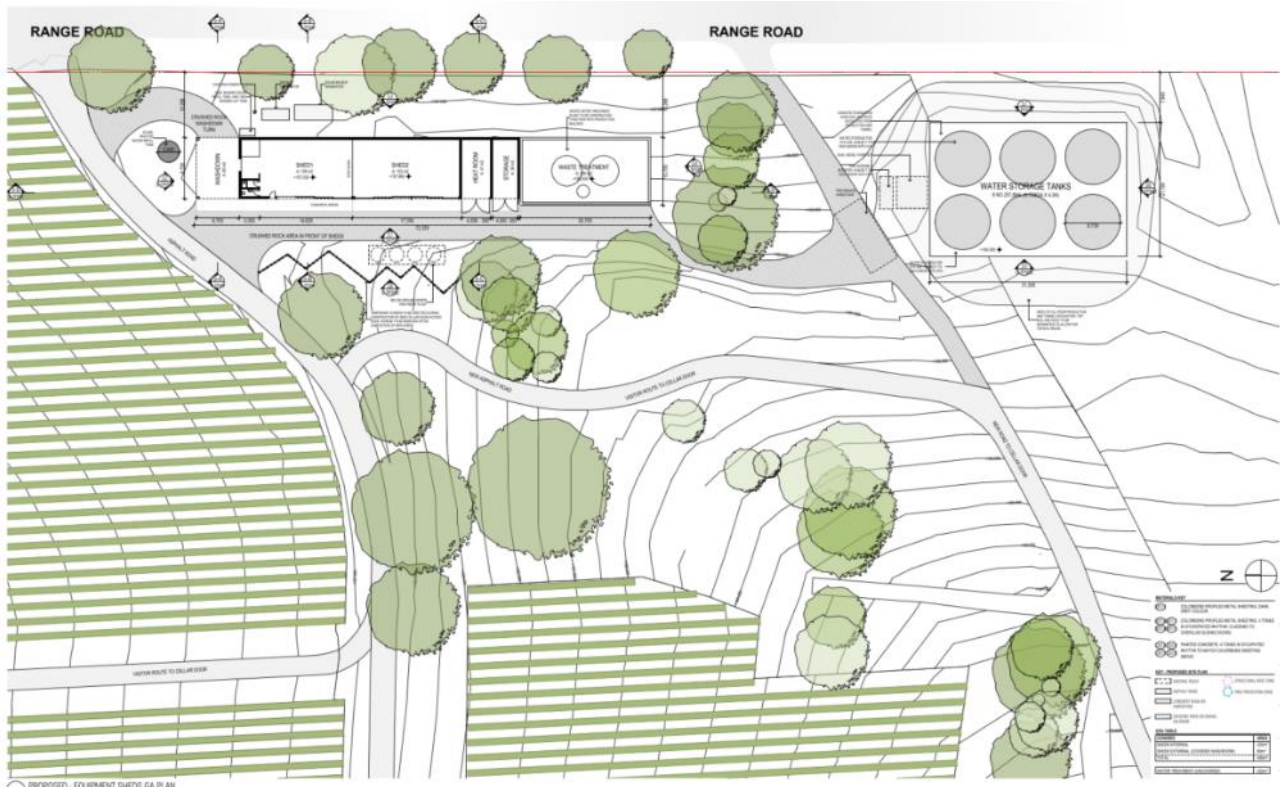


Figure 10: Plan view of Equipment Sheds and water tanks

The building will be clad in three different tones of grey colorbond.

It is proposed that the equipment sheds will be constructed as the last element of the winery development with the production facility and cellar door proceeding first. Until such time as the shedding is constructed, temporary screens are proposed to be erected to the west side of the accessway adjacent to the equipment sheds to screen views of the existing sheds and facilities. The screens are located to be outside of the tree protection zones of adjoining trees and will be 3.3 metres high and erected on steel frames with footings and clad in three different tones of grey colorbond. The screens will be removed from the site upon construction of the final sheds.

To the rear of the sheds, adjacent to Range Road, two backup generators are proposed within acoustically treated enclosures.

### Entry Gate

A 22.1-metre-long fence with varying heights of between 1.6 metres and 2.2 metres and entry gates are proposed at the existing vehicle crossover to Briarty Road. The fence is constructed of shiplap, post and beam timber construction in a grey stained colour.





Figure 11: Entry gate and fence

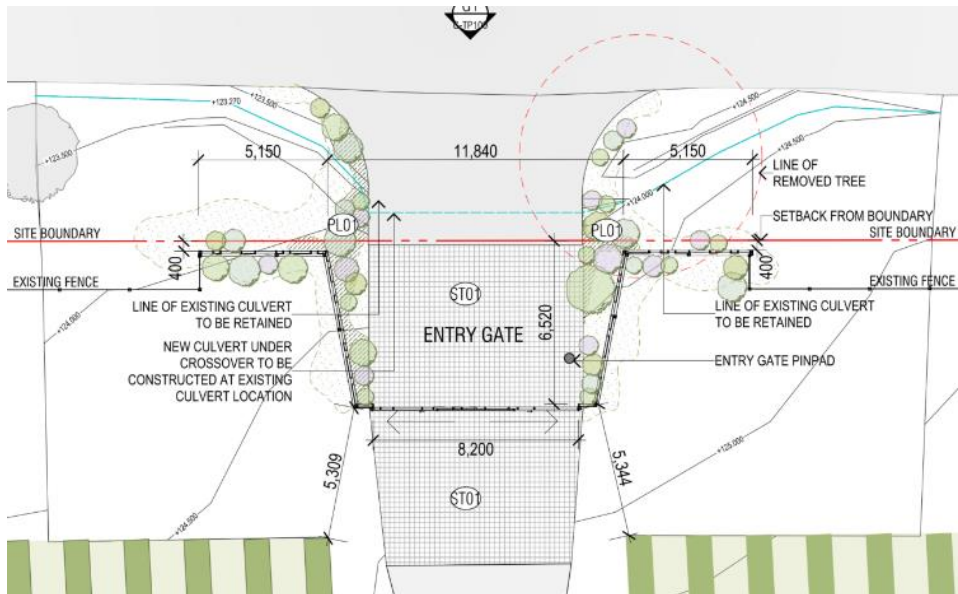


Figure 12: Entry detail

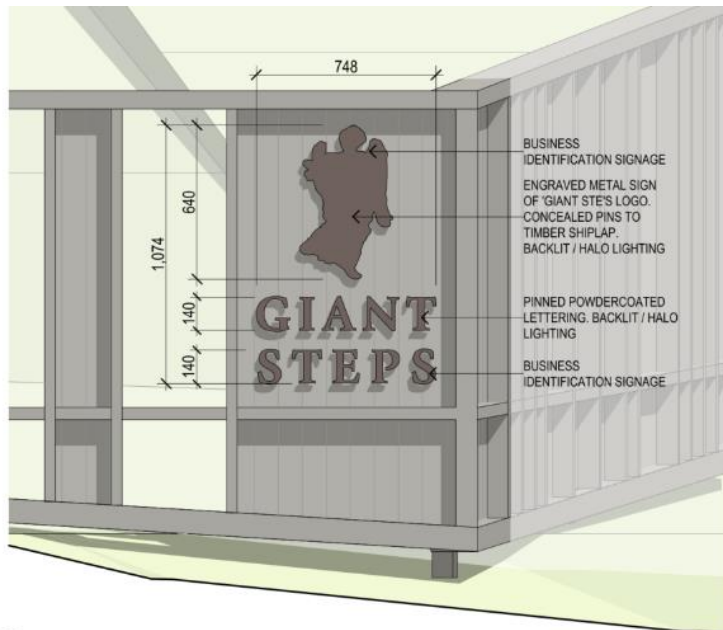
The entry to the subject site on Briarty Road is located opposite Hill Road and the crossover is proposed to be widened to 8.2 metres for two-way cellar door entry/exit. The entry and all of the internal accessways excepting that adjacent to the vineyard sheds are proposed to be sealed. The proposal seeks to remove one street tree.

### Landscaping

The landscaping plan in Attachment 6 sets out proposed landscaping measures around the cellar door, winery production building and Briarty Road vehicle entrance comprising predominantly of eucalyptus species around the cellar door and exotic deciduous tree species around the winery production building.

### Signage

A 0.8 square metre business identification sign is proposed to the east side of the proposed entry gate affixed to the fence. It is to be 1.8 metres in height and comprise of an engraved metal logo and powder coated 'Giant Steps' lettering. The sign is to be internally illuminated through halo lighting that backlights the logo and lettering. The sign is proposed to be illuminated during the normal hours of operation of the winery.



G2 SN01 GATE BUSINESS IDENTIFICATION SIGNAGE  
SCALE 1:20@A1

Figure 13 Proposed Signage with backlit halo lighting

### Vehicle access and car parking

The traffic assessment at Attachment 7 provides a response to car parking and traffic. Attachment 9 includes an applicant response to requests from Council Traffic and Transport Engineers and objections raised, particularly relating to Hill Road. The primary access is now intended from Maddens Lane rather than Hill Road.

It is proposed to provide 27 on-site parking spaces and a mini-bus parking space, with 19 car spaces and a mini-bus space at the Cellar Door and eight (8) car spaces at the Winery Production Building, exceeding scheme numerical and layout requirements for a winery.

The vehicle access at the intersection of Briarty Road and Hill Road is to be widened to allow for concurrent entry and exit. Vehicle access on Range Road will be widened to allow larger vehicles to access the site. Access via existing internal accessways is proposed to be sealed.

Visitor cars and buses to the cellar door are to enter and exit the site from Briarty Road. Delivery vehicle access for the winery production building enters the site via the Briarty Road crossover and exits the site via the unmade Range Road. Attachment 9 shows delivery vehicles entering via the unmade widened Range Road vehicle crossing and exiting the site via the relocated and widened Briarty Road vehicle crossing. Loading and unloading at the wine production building will typically comprise of 19-metre-long semi-trailers.



Figure 14 Proposed vehicle access

Using Sidra software, a lane-by-lane capacity and performance analysis of the existing and proposed operation at the of intersection Hill Road and Maroondah Highway to the north and the intersection of Killara Road and Maroondah Highway to the west is undertaken on pages 12-15 of Attachment 7. Attachment 9 includes a revised Sidra assessment for the intersection of Maddens Lane and Maroondah Highway.

All crushing of grapes for the winery will be conducted on site and hand-picked fruit picked off-site will be delivered by a 12-tonne rigid body truck. The average weight of deliveries is anticipated to be six to eight tonnes

A maximum of 100 truck movements in and out for bottling with a total of six bottling events which vary from two to six days in duration with truck movements (based on two semi-trailers per day) could result in between 4-12 dispatches (eight and 24 truck movements) over the duration of the various bottling events. Regular waste collection of large waste and recycling bins is expected with two collections weekly, and a monthly delivery of inert gas used in the production process is expected.

The tonnage of trucks is estimated as follows:

- Fruit delivery trucks – 12 tonnes max;
- Dry good deliveries – 24 tonnes max;
- Trucks with packaged wine – 24 tonnes max; and



- Waste truck and inert gas – 12 tonnes max.

### Vegetation Removal



Figure 15 Demolition and Tree Removal Plan

The Arborist Report at Attachment 8 determined that there were 40 trees that require removal:

- Two (2) trees considered to be of high retention value being trees 94 and 127.
- Six (6) trees are of moderate retention value being trees 46, 52-55 & 68.
- 32 trees are of no retention value being trees 56-67 & 69-88.

Of the trees proposed to be removed:

- Thirteen (13) trees, being tree 46, 52, 53, 54, 56, 70, 81, 83-87 and 94, require a planning permit under the Significant Landscape Overlay SLO14; and
- One (1) tree, being tree 127, requires a planning permit under Clause 52.17 (to be retained by permit condition).

An additional 34 trees or groups of trees will incur 'Major Encroachment' into the Tree Protection Zones (TPZs), being trees 1, 5, 6, 8, 9, 22, 45, 47-51, 113-126, 146-151, 154 and 188. However, the report identifies that the actual impact to these trees is low given the existing site conditions (existing gravel roads) and that these trees will not be affected subject to appropriate protection and management measures.

The report also finds that 114 trees or groups of trees will incur no or 'Minor Encroachment' into the Tree Protection Zones (TPZs) and that these trees will not be affected.

#### Wastewater Treatment

The proposed waste treatment for the winery is proposed to the south of the equipment shed within a 10.7 metre by 20.7 metre bunded concrete pad. The treatment facility will be constructed together with the wine production facility.

Wastewater will be wholly treated onsite in a Sequencing Batch Reactor (SBR) system. This system will cater for the treatment of wastewater from the main wine production facility and has been designed to comply with EPAs Development Licence requirements under *Environment Protection Act 2017*.

#### **PLANNING CONTROLS**

<b>Zoning:</b>	Clause 35.04 - Green Wedge Zone (GWZ)
<b>Overlay:</b>	Clause 42.03 - Significant Landscape Overlay (SLO14) Clause 44.06 - Bushfire Management Overlay (BMO)
<b>Planning Policy Framework:</b>	Clause 11.01-1R - Green wedges – Metropolitan Melbourne Clause 11.03-5S - Distinctive area and landscapes Clause 12.05-2S - Landscape Clause 13.02-1S - Bushfire planning Clause 13.05-1S - Noise abatement



	<p>Clause 13.07-1S - Land use compatibility</p> <p>Clause 14.01-1S - Protection of agricultural land</p> <p>Clause 14.01-1R - Protection of agricultural land - Metropolitan Melbourne</p> <p>Clause 15.01-2S - Building design</p> <p>Clause 15.01-6S - Design for rural areas</p> <p>Clause 15.02-1Sv - Energy and resource efficiency</p> <p>Clause 17.01-1S - Diversified economy</p> <p>Clause 17.04-1S - Facilitating tourism</p> <p>Clause 18.01-1S - Land use and transport planning</p> <p>Clause 18.02-4S - Car parking</p>
<b>Municipal Strategic Statement:</b>	<p>Clause 21.03 - Vision</p> <p>Clause 21.04 - Land Use</p> <p>Clause 21.06 - Built form</p> <p>Clause 21.07 - Landscape</p> <p>Clause 21.09 - Environment</p> <p>Clause 21.10 - Infrastructure</p>
<b>Particular Provisions:</b>	<p>Clause 51.03 – Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan</p> <p>Clause 52.05 – Signs</p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.17 – Native vegetation</p>
<b>General Provisions</b>	<p>Clause 64.01 Land used for more than one use</p> <p>Clause 64.02 Land used in conjunction with another use</p> <p>Clause 65 - Decision Guidelines</p>

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

### **PLANNING SCHEME AMENDMENT C148 (SERIOUSLY ENTERTAINED POLICY)**

The proposed planning scheme amendment has been adopted by Council and progressed through a Planning Panels Victoria process, which generally supported it. The policy is therefore considered to be seriously entertained and must be considered for all relevant planning permits. The amendment will introduce significant changes to Council's Local Planning Policy, including:

- Introduction of a new Municipal Strategic Statement that provides clearer strategic direction and decision-making guidance on a wide range of land use and development issues;

- Introduces new local planning policies for Environmentally Sustainable Development;
- Includes the site within proposed SLO6; and
- Partly includes the site within ESO1 (not relevant to the proposal).

For further information refer to Attachment 3 - Amendment C148.

**Permit Triggers:**

Clause 35.04 - Green Wedge Zone (GWZ4)

Pursuant to Clause 35.04-1, a permit is required to use land for a Winery.

Pursuant to Clause 35.04-5, a permit is required to construct or carry out building or works associated with a winery and for earthworks that exceed one (1) metre in height.

Sign requirements are at Clause 52.05 and this zone is in Category 3 - high amenity areas.

Clause 42.03 Significant Landscape Overlay (SLO14)

A permit is required to construct a building or construct or carry out works as a permit is required under the provisions of the Green Wedge Zone.

A permit is required to remove, destroy or lop any vegetation. This does not apply if a permit is not required under the schedule to Clause 51.03.

Clause 44.06 Bushfire Management Overlay (BMO)

A permit is not required to construct a building or construct or carry out works associated with a winery.

Clause 51.03 Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

In a Green Wedge Zone, a permit is required to construct buildings or works.

A permit is required to remove, destroy or lop any vegetation.

Refer to Attachment 2 for full details of Clause 51.03 triggers and exemptions.

Clause 52.05 Signs

Pursuant to Clause 52.05-2 Category 3 - high amenity areas - a permit is required to display of an internally illuminated business identification sign.

Clause 52.17 Native Vegetation

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. However, as all of the native vegetation on site is planted and tree 127 in the road reserve is to be retained by permit condition, no native vegetation being removed requires a planning permit under this provision, and no native vegetation offsets are required.

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

## EXTRACTIVE INDUSTRY

The site is not located within 500m of extractive industry.

## STAKEHOLDER VIEWS

### *External Referrals*

Authority	Consent
<b>Environmental Protection Authority (EPA)</b>	No objection subject to the inclusion of notes on any permit issued in relation to the applicant's general environmental duty (GED) and compliance with <i>Environment Protection Regulations 2021</i> and the <i>Environment Protection Act 2017</i> .
<b>APA Gas Group</b>	The only works proposed within APA easement and crossing the APA T61 pipeline will be an asphalt road. No objection subject to conditions for ongoing access by APA, no reduction in levels or minimum cover, speed restrictions, use of machinery and the arrangement of a pre-construction meeting with APA.

Authority	Consent
<b>Fire Rescue Victoria (FRV)</b>	<p>The site is located within an immediate landscape dominated by agricultural use with the exception of the Warramate Flora and Flora Reserve directly South; and some patches of forest located on private land to the east and south-west. These areas have been identified as areas which have the potential to support significant bushfire behaviour and as such have been identified as being within the Bushfire Management Overlay (BMO). As these areas are directly adjacent to the subject site the mapped area of the BMO extends into the property along the Eastern, Southern and lower portion of the Western boundaries. The whole of the subject site and the surrounding land is within the Bushfire Prone Area (BPA).</p> <p>The expected potential bushfire impact to the boundaries of the site adjacent to the identified forested areas flame contact, significant radiant heat and ember attack. However, given the level of vegetation management and type of use of the land (vineyards) within the subject site, significant fire behaviour is unlikely to continue within the property. Given the setback distances between the proposed development (buildings) and the property boundaries, the expected potential bushfire impact to the development would be significant ember attack only.</p> <p>The FRV recommends the inclusion of conditions requiring that a bushfire emergency plan (BEP) be submitted to and endorsed by the Responsible Authority.</p>
<b>Department of Environment, Land, Water and Planning</b>	<p>No objection to removal of street tree 127 subject to conditions in relation to offsetting.</p> <p><i>Planning Note – Plans to be modified to show street tree 127 to be retained by permit condition. No offsetting required.</i></p>

### ***Internal Referrals***

Department	Summary of Response
<b>Development Engineer</b>	No objection subject to the inclusion of conditions in relation to provision of a stormwater computations.

Department	Summary of Response
<b>Traffic Engineer</b>	<p>No objection subject to the inclusion of conditions in relation to payment for the part construction of Range Road, construction of crossovers, reinstatement of nature strip and construction of internal access.</p> <p>Matters to be resolved by conditions relate to the following issues with the proposal:</p> <ul style="list-style-type: none"> <li>• Sealing of Range Road to accommodate for large vehicles.</li> <li>• Need for passing bays within the site</li> <li>• Access and egress via Hill Road, which is a narrow road not suited for large volume winery visitation</li> <li>• Sufficiency of car parking</li> </ul> <p>These concerns are addressed in the appropriate sections of this report.</p> <p>A costing for council to undertake the sealing of Range Road has been undertaken and the applicant is to be required to pay this cost.</p>
<b>Health</b>	No objection to the proposal
<b>Environment</b>	Tree 127 removal would require offsetting under Clause 52.17 but this tree is to be retained by permit condition. No concerns identified with the proposal subject to determining if Range Road will be sealed. If the sealing of Range Road is a Council project, then Council's Code of Environmental Practice applies and the works are exempt from Clause 52.17. No objection to the proposal.
<b>Waste Management</b>	No objection subject to the inclusion of a permit condition requiring the submission of a Waste Management Plan.

Department	Summary of Response
Arborist	<p><u>Tree removal</u></p> <p>Trees 46, 52, 53 and 54 are native trees that offer moderate amenity and are not of high significance. The removal of these trees is supported.</p> <p>Tree 94, an indigenous River Red Gum, it is a mature tree of high amenity and habitat value. Retention of this tree is preferred, although it is located within the proposed development.</p> <p>Trees 83, 84 and 85 are native trees of high amenity but poor structure. Removal of these trees is not opposed.</p> <p>Tree 86 is an immature indigenous River Red Gum; it is not of high significance and can be removed.</p> <p>Trees 55–82, 87 and 88 are exotic or native trees of low significance that can be removed.</p> <p><u>Tree retention</u></p> <p>The Tree Protection Zone (TPZ) of trees 8, 9, 10, 22, 45, 47, 48, 49, 50, 51, 113–125 and 188 are encroached upon by the upgraded driveway, which is to be sealed with asphalt. The driveway is currently heavily compacted gravel. If no excavation is required and the driveway can be sealed above the existing grade, then the trees will remain viable.</p> <p>All other trees have less than 10 per cent TPZ encroachment and will remain viable.</p> <p><u>Road reserve trees</u></p> <p>Tree 127 is proposed to be removed. It has lost a large scaffold branch and has had previous excavation within its Structural Root Zone (SRZ). While the tree is mature, indigenous and provides a high level of amenity, damage to its root system and canopy loss has compromised its structure. The tree warrants removal rather than altering the proposed vehicle access.</p> <p>No objection subject to the inclusion of a permit condition requiring tree protection measures.</p> <p><b><i>Planning Note</i></b> – Plans to be modified to show retention of high amenity and habitat value tree 94 by permit condition as recommended by Council's arborist. Plans to be modified to show street tree 127 to be retained by permit condition. No offsetting required. Wildlife management condition is also recommended to ensure safe relocation any fauna.</p>

Department	Summary of Response
<p><b>Design &amp; Place</b></p>	<p>There is merit in what is proposed and Design and Place officer support the application on the following basis:</p> <ul style="list-style-type: none"> <li>• there are several hilltop/ridgeline developments that surround the property which are executed with less consideration of the landscape, higher visual impact and lower quality architecture</li> <li>• the visual impact assessment shows minimal visual intrusion of the cellar door pavilion-built form, which has strong measures to minimise size and conceal vehicles</li> <li>• other built form on site is partially screened through existing and proposed landscape, and has material and colour selections that are sensitive to its location</li> <li>• the use of integrated landscape elements on the facades further helps soften any visual impacts</li> <li>• the Cellar Door's light structural system, with shallow roof plane and minimal visual mass will assist in reduced visual impact</li> <li>• the deep reveals will reduce any direct sun glare, while the extent of glazing will reflect the surrounding landscape</li> <li>• the road is of low volume with substantial roadside vegetation obscuring several views to the site</li> <li>• the architecture is well executed and will be a valuable contribution to local design excellence</li> </ul> <p>No objection subject to the inclusion of a permit condition requiring further landscaping treatments to improve softening of larger built form on site are recommended.</p>

### ***Objections and Consultation***

✓ Mail    ✓ Signs    ✗ Local Newspaper

Number of Objections:

A total of ten (10) objections have been received to the proposal.

- Impacts on views, prominence of the cellar door building on the ridgeline / in the landscape / impacts upon skyline / spreading of buildings over the site;
- Intrusive lighting from vehicles. Light spill impacts from winery production building to north, east and south;
- Noise from use and vehicles / traffic;



- Security;
- Increased traffic impacts on residential amenity and wildlife, safety of visibility along Hill Road, narrow width of Hill Road and Briarty Road, adequacy of entrance design in Briarty Road with vehicle queuing, conflicts with horse riders, weight of trucks deteriorating roads, volume of trucks deteriorating local roads;
- Impact on property values;
- Dust and safety the need to seal Range Road between site exit and Briarty Road;
- Loss of trees and vines;
- Proximity of cellar door to vineyards is inappropriate from a biosecurity perspective;
- Hours of operation impacts;
- Potential for future restaurant and / or function centre use. Extent of earthworks;
- Impact of entry gate feature;
- Scale of development;
- Increased Bushfire Safety Risk associated with increased visitation to the area;
- Use is not a winery but rural industry. Scale of winery not appropriate and is not ancillary to the vineyard use. The use is Rural Manufacture. Winery will substantially produce wine from grapes not grown on the land which is not appropriate; and
- The proposal is contrary to and has not been adequately assessed against *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges* (Shire of Yarra Ranges - May 2008).

The applicant has provided a written response to these objections which has been circulated to objectors. The application has not been formally amended however the submitted draft plans contained in attachment nine (9) responding to issues show the following changes in response to issues raised:

- Alteration of the Briarty Road vehicle crossing approximately 4.5m to the west to retain the existing street tree 127 and to reduce the alignment of the vehicle crossing with the Hill Road intersection with a minimal impact on existing vines;
- Traffic assessment of the operation of Maddens Road - Maroondah Highway intersection and altered vehicle crossing to Briarty Road;
- Provision of internal passing bays;
- Alteration to the covered hardstand of the wine production building to retain high amenity and habitat value tree 94 with accompanying comment by the applicant's arborist confirming tree can be retained with less than 10 per cent encroachment on Tree Protection Zone;

- A lighting plan for the wine production building and cellar door; and
- A revised cellar door landscape concept plan showing additional landscaping.

These changes shown on these plans improve the overall design of the proposal and the changes will have no amenity impacts. The changes shown on these plans, excepting the lighting plans, should be included as conditional changes to be made to the plans prior to the plans being endorsed on any permit issued.

## **ASSESSMENT/ KEY ISSUES**

### **Winery Use**

There is strong policy support for the provision of a winery in this location, with a winery use being a form of rural production that is linked to the agricultural use of the land for an existing vineyard in a wine growing region.

The proposal is consistent with key agricultural strategies under Clause 21.04-3. These strategies seek:

- to provide for rural industries servicing the agricultural activities and value adding local produce;
- to create business opportunities for more value adding enterprises associated with food growing; and
- to retain broadacre grazing as the predominant land use in the GWZ4 areas while providing opportunities for other agricultural activities, including wine production.

It is relevant to note that planning policy includes wine production, not viticulture, as an agricultural activity.

The proposal is also consistent with commercial strategies under Clause 21.04-2, which seek to facilitate use and development of business opportunities in the priority industry sectors of food growing and processing; viticulture and winemaking, noting that commercial strategies also include the need to minimise off-site impacts to the amenity of local communities, and satisfy other relevant planning criteria for such activities and to protect surrounding green wedge areas from adverse visual and amenity impacts of business encroachment.

Amendment C148 would not alter the use policy considerations for this site with the revised Clause 21.03-5 (Tourism in Green Wedges) seeking to provide for tourist-oriented businesses such as wineries to locate on sites in productive agricultural areas or in rural landscape areas if they will operate in conjunction with productive agriculture on the land.

The proposal seeks a permit for a winery use and objectors have raised the concern that the proposed use is rural industry. A Winery is defined under the planning scheme as:

*Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises.*

The Winery use is a separately defined use not nested under any other use in the Planning Scheme. Existing and proposed activities on the land include the growing of grape vines, the manufacture of vineyard products, the display and sale of vineyard products and sale of food and drink for consumption on the premises. The range of activities to be undertaken as part of this proposal best meets the winery definition. It is noted that if there was no manufacturing of vineyard products on the land that the proposal could not be a winery.

Rural Industry is defined under the planning scheme as:

*Land used to:*

- a) handle, treat, process, or pack agricultural produce;*
- b) service or repair plant, or equipment, used in agriculture; or*
- c) manufacture mud bricks*

It is not unusual for a particular use to fall under a range of land use definitions in the planning scheme. However, it is important to consistently apply the planning scheme definition that most accurately describes the proposed activities occurring on the land. In this instance, winery best describes the proposed activities. Further, a winery is discretionary, meaning that Council can consider the impacts and merits of the proposed manufacturing component and determine whether these are acceptable in this context.

Having regard to the quantity of grapes grown on the property versus the quantity of grapes to be brought onto the land for wine making, reference is made to the VCAT decision of Apex Building Design Studio P/L v Yarra Ranges Shire Council No. P94/2002, which involved a 4ha property with 25 per cent of the site planted out with well-established vines, the following was found:

*13. It is not unknown for small vineyards and associated wineries to operate on sites as small as the subject land. It is not unusual for wine making facilities associated with a vineyard to be used to process grapes from other land either as a service to another grape grower who does not make his or her own wine, or for blending with the wine produced from the land itself. A wine making facility processing some 25 tons of grapes, is not a particularly large operation, and not one which is inherently inappropriate on land such as this. I am of the opinion that the proposed use is entirely consistent with the zone provisions, and the Local Planning Policy Framework, and should be approved unless it can be demonstrated that there is some environmental, or amenity consequence of the proposed use which is unacceptable in the context of the zone and locality.*

The question here is not whether the use is a winery or rural industry. A winery is proposed, and officers agree with this definition. The question to be answered by this assessment is whether there is some level of environmental, or amenity consequence due to the scale of the proposed use which is unacceptable in the context of the zone and locality.

The main issues associated with the use that need to be assessed are traffic, noise, light and prominence in the landscape, which are assessed below.

The cellar door proposes wine tasting by appointment only with a maximum of 30 patrons between the hours of 9am to 6:30pm (9.5 hours) with a maximum of six (6) sessions / 180 patrons per day. Meals will not be provided, with only light snacks being available. Wine tasting sessions run for 30 to 40 minutes and are held every one and half hours. This is a modest tourist activity, which is ancillary to and in association with the proposed winery. This activity is wholly consistent with the planning policy framework. In the Green Wedge Zone Restaurants and Function centres are limited to 150 patrons at any one time, with no cap on the maximum number of patrons allowed per day. Whilst there is no daily cap proposed, the maximum 30 patrons (with a maximum of 50 patrons on a maximum of eight annual events per year) is consistent with the limits placed on other similar uses in the Green Wedge Zone.

The cellar door also proposes to hold a maximum of eight (8) events per year with 50 patrons generally between 6pm and 9:30pm. The purpose of these events is to launch new vintages or types of wine to media, restaurant and wine industry partners, wine club members and select wine specialists and enthusiasts for the promotion of the winery. These events are not proposed to be for external parties or for private functions. Again, this is a modest assembling of people ancillary to the winery use and consistent with the planning policy framework.

Hours of operation and patron numbers are recommended to be enforced by permit condition.

### Car parking

For the cellar door there are 19 car spaces (13 in the sealed car park and six in the overflow car park) and a bus parking bay.

For the winery production building there are eight car spaces proposed.

A winery use has a prescribed parking rate under Clause 52.06 of 0.4 car spaces to each patron permitted. The existing vineyard has no prescribed parking rate. The parking requirement under the planning scheme is as follows (having regard to a 30 patron operation and the eight annual events with 50 patrons):

Use	Clause 52.06 parking rate	Patrons	Parking demand
Winery	0.4 car spaces per patron	50 patrons (30 patrons)	20 car spaces (12 car spaces)
Agriculture (Vineyard)	-	-	-
Overall			20

Provided			27 car spaces plus a bus space
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The proposed car parking provision for the winery exceeds the parking rate specified in the planning scheme. It is noted that the parking rate is related to patron numbers and that the winery production building has provision for eight staff car spaces. The applicant has indicated that whilst staff numbers will typically be up to 10 staff, this number could increase up to 20 staff during the harvesting and fermentation period. As there are several alternative locations for staff parking on the site, such as adjacent to the new sheds, the parking provided for the winery building is considered sufficient for the proposed number of staff.

The provision of nineteen car spaces at the cellar door consists of 13 car spaces in a sealed car park and six (6) car spaces in an informal overflow car park. At most the operation of the cellar door component of the winery with 30 patrons requires the provision of 12 car spaces which is adequately provided for by the 13 car spaces and the bus space in the cellar door sealed car park.

For the eight (8) annual 50 patron events at the cellar door the winery requires 20 car spaces. There are only 19 car spaces are provided at the cellar door, with the remaining eight (8) car spaces provided at the winery production building. Whilst a reduction in car parking is not sought, given the physical separation of the two activities there is a concern that there will be a shortfall of convenient car parking for the cellar door during the 50 patron events. Therefore, it will be a requirement of any permit issued to increase the number of overflow car spaces to seven (7) and increase the number of car spaces in total to 20 in vicinity of the cellar door to ensure that adequate parking is provided for the 50 patron events. The provision of 20 car spaces is consistent with the parking demand specified in the applicant's traffic assessment.

As part of the assessment of this application, consideration was given to requiring the formalisation of the overflow car spaces. However, concerns with the potential impact on established trees, which will play an important role integrating the proposed development into the landscape, led to a decision not to pursue the formalisation of these spaces.

### Traffic / Access

The proposal has provided a Traffic Impact Assessment Report which anticipates the following traffic generation from the proposed winery use:

Use	Trips generated	Daily movement Rate (entry or exit)	Number of staff/ patrons on site during a day	Daily Vehicle Movements
Wine Production	Staff	2 per staff	15 (average) / 20 maximum	30 / 40
	Loading	10	1	10

Cellar Door	Patrons	0.5 per patron	180 (based on 6 sessions per day with a maximum 30 patrons)	90
<b>Total</b>				<b>130/140</b>

The traffic engineering report in attachment seven (7) identifies that 10 per cent of movements typically occur in the peak hours, being 13 movements. The report also estimates that 80 per cent of vehicle movements will be via Briarty Road / Killara Road / Maroondah Highway to the west from Coldstream and the remaining 20 per cent of vehicle movements will be via Hill Road / Maroondah Highway from the north. The report assesses the operation of the Maroondah Highway / Killara Road and the Maroondah Highway / Hills Road intersection, determining via SIDRA analysis that these intersections will not be significantly affected.

The west access route along Briarty Road to the site is sealed and is capable of accommodating the anticipated patron traffic levels. Heading west along Briarty Road connects into Maddens Lane, which is a road better suited to increased vehicle numbers as opposed to Hill Road.

With regards to vehicle access, Clause 21.04 is silent on the types of access preferred for wineries. However, it is policy for both restaurants and accommodation that these have direct access to a sealed road or formed gravel road which is capable of accommodating anticipated traffic levels without causing any adverse effect on local residential amenity. Restaurant and accommodation uses are typically more intensive land uses with higher traffic generation. The subject site has legal access from a sealed road (Briarty Road) and an unsealed road (Range Road). The majority of traffic associated with this proposal will be accessing the subject site from Briarty Road.

Objectors have raised concern regarding the safety of Hill Road, having regard to the blind nature of the crests in the road and the road width.

As patrons attend the site by appointment only, conditions can be imposed on any permit that the operation should encourage patrons to use the preferred access from Briarty Road to the west. It would be difficult for Council to enforce a condition requiring the applicant to direct all patrons to a particular route of ingress or egress. In addition to this, directing all traffic away from Hill Road by Council road signs may also impact potential trade of other wineries on Hill Road. Irrespective of the above, the applicant's traffic report has estimated that, with appropriate controls, 80 per cent of vehicle movements associated with the winery can head west along Briarty Road and connect into Maddens Lane.

The applicant has provided a revised traffic engineering report in attachment nine that assesses the operation of the Maroondah Highway / Killara Road and the Maroondah Highway / Madden Lane intersection, determining via SIDRA analysis that these intersections will not be significantly affected.

An assessment of the commercial vehicles that will be accessing the proposed winery is also necessary. The applicant has indicated that these vehicle movement will comprise utility vans, small flat tray trucks and semi-trailers. In response to this, a delivery

management plan will be required specifying that commercial vehicles must access and egress the site via Briarty Road to the west and not Hill Road. Further to this, the access from Briarty Road should be relocated to the west to not align with Hill Road to encourage right turn into the site as shown in attachment 10. This will be dealt with via recommended permit conditions.

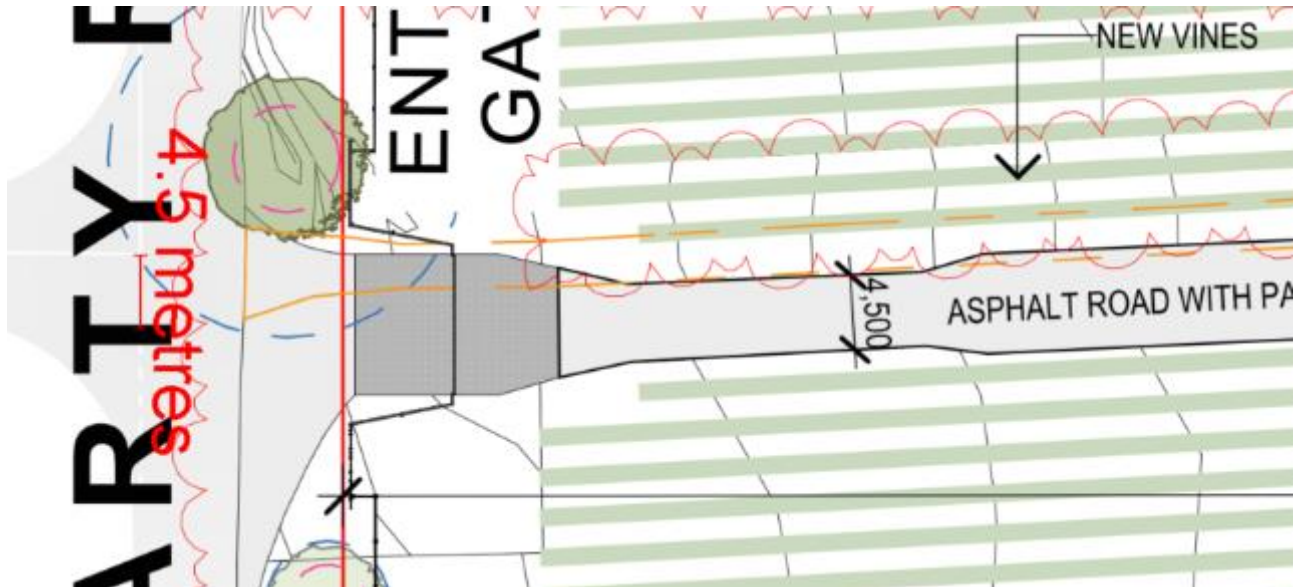


Figure 16 Proposed relocation of Briarty Road vehicle crossing to the west.

The applicant has indicated that at peak operation there will be a maximum of four (4) truck deliveries of grape material per day during the annual one month vintage period (totalling eight movements in and out). There is the potential that with grapes being sourced from different regions that the annual vintage period could extend up to three months in duration. Truck delivery volumes outside of the vintage period are not anticipated to be high. The applicant has indicated that the volume of deliveries would be 90 trucks (180 movements).

A maximum of 50 truck dispatches (100 movements in and out) for transporting bottled products with a total of six (6) bottling events per year which vary from two to six (6) days in duration with truck movements (based on two (2) semi-trailers per day) could result in between eight and 24 truck movements over the duration of the various bottling events.

Regular waste collection of large waste and recycling bins is expected with two (2) pickups weekly (4 truck movements), and a monthly delivery of inert gas used in the production process is expected.

Averaged out over the year, factoring in grape material deliveries, dry good and wine out loads, around 256 trucks (totalling 512 movements annually) are expected, being approximately one truck to the site every day. It is also estimated that there will be a maximum (6) trucks (four being grape material, one being waste collection and one being gas delivery) to the site per day during peak operation.

Briarty Road is a sealed and constructed road. All access to the proposed winery use could be via this road. Officers have recommended that the application be modified to have all delivery vehicle access the site only via Briarty Road, however the applicant wishes to have access via Range Road.



The cost of construction of Range Road to a rural standard from Briarty Road to the site crossover has been estimated by infrastructure officers as \$183,022. The applicant has stated that they would only be willing to contribute 50% of the construction cost, on the basis that they are not the sole user of the road.

Section 62(5)(c) of the *Planning and Environment Act 1987* states that in deciding to grant a permit, the responsible authority may include a condition that specified works that the responsible authority considers necessary to be provided on other land as a result of the grant of the permit be paid for wholly by the applicant.

The payment of the construction cost of Range Road is not lawful unless there is a clear nexus with the use and development allowed by the grant of the permit. Further it is officers view that the sealing of the road is necessary to enable the proposal having regard to the volume of truck traffic generated, dust impacts and the inappropriateness of an unsealed road for this level of additional traffic.

Accordingly, a permit condition is recommended requiring the payment of the required amount to Council for it to construct and seal Range Road from Briarty Road to the sites entrance prior to the commencement of the development.

### **Prominence of the buildings in the landscape**

The Significant Landscape Overlay Schedule 14 (SLO14), Clause 21.03 (Vision including *Vision 2020 - Community Plan*), Clause 21.06 (Built Form) and Clause 21.07 (Landscape), provisions require Council to determine whether the proposed siting and design of building or works will be appropriate. Consideration of the provisions of amendment C148 Significant Landscape Overlay SLO6 and Clause 21.05 (built form) including relevant parts of *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges - May 2008)* is also required.

The wine production building is proposed to be located in the area of the existing dwelling. Whilst a number of trees are proposed to be removed the proposed building will still be set amongst trees, provides generous boundary setbacks and will not be unduly prominent in the landscape having regard to its low elevation and its location towards the centre of the site.

The proposed shed and water tank structures are located 10.3 metres from Range Road in the area of the existing shed structures. Whilst these have an elongated elevation presenting to Range Road these buildings will not be unduly prominent in the landscape having regard to their low elevation. These buildings are between 265 metres and 280 metres to the nearest dwellings at 6-8 Range Road and 14 Briarty Road respectively. The proposed buildings in this location will be screened by existing street vegetation and, as these are replacing existing buildings, the buildings will not have a detrimental impact upon Range Road. Additional landscape planting is recommended by permit condition to ensure an appropriate landscape setting for these buildings is achieved.



Figure 17 west facing view of shed site from Range Road

The proposed cellar door building is located on a ridgeline in an existing cleared area with existing vehicle access provided to it. This is 420 metres from the nearest dwelling at 8 Briarty Road and 440 metres from the dwelling at 6-8 Range Road. Objectors have raised concern that this will be of a form that dominates the ridgeline and skyline. Specific to Warramate Hills, the SLO14 seeks to prevent further intrusion of additional rural residential development and the loss of remnant vegetation, which would detract from the conservation and scenic value of the area. Clause 21.03 (Vision), Clause 21.06 (Built Form) and Clause 21.07 (Landscape), both seek buildings that avoid prominent ridgelines, hill tops and other visually exposed sites and for new buildings to be unobtrusive in the surrounding landscape.

Planning Scheme Amendment C148 seeks to apply revised schedule of the Significant Landscape Overlay (SLO6) to the subject site and the provisions of this new schedule specify that the following decision guidelines derived from *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges May 2008)* apply:

#### Building Siting:

- Buildings should be sited to minimise their visual impact on views from adjoining roads and other publicly accessible viewing points;
- Buildings and associated works should be sited to avoid visually prominent sites such as exposed hilltops or ridgelines;
- Buildings should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible viewpoints; and
- Buildings should be below the level of any surrounding tree canopy and be generally consistent with the height of any nearby development.

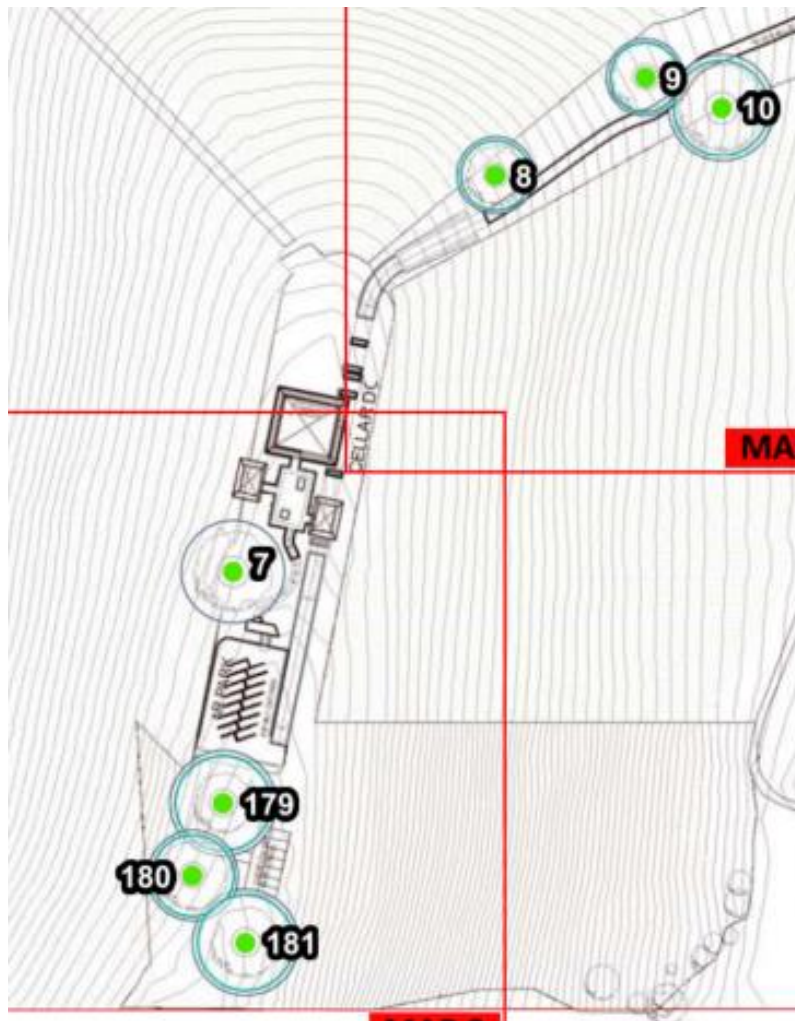
#### Building appearance

- Buildings should not break the skyline or ridgeline behind the building as seen from nearby roads or other publicly accessible view points.

Amendment C148 also seeks to introduce a revised Clause 21.05 (Built Form) which references *Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges - May 2008)* and continues to protect and enhance valued rural landscapes by ensuring that new development is:

- sensitively designed and sited, having regard to the natural physical features of the land, including slope, the presence of existing vegetation and view lines; and

- not an intrusive element in valued rural landscapes.



This ridgeline has expansive northern views over the Yarra Valley as shown on the below images.

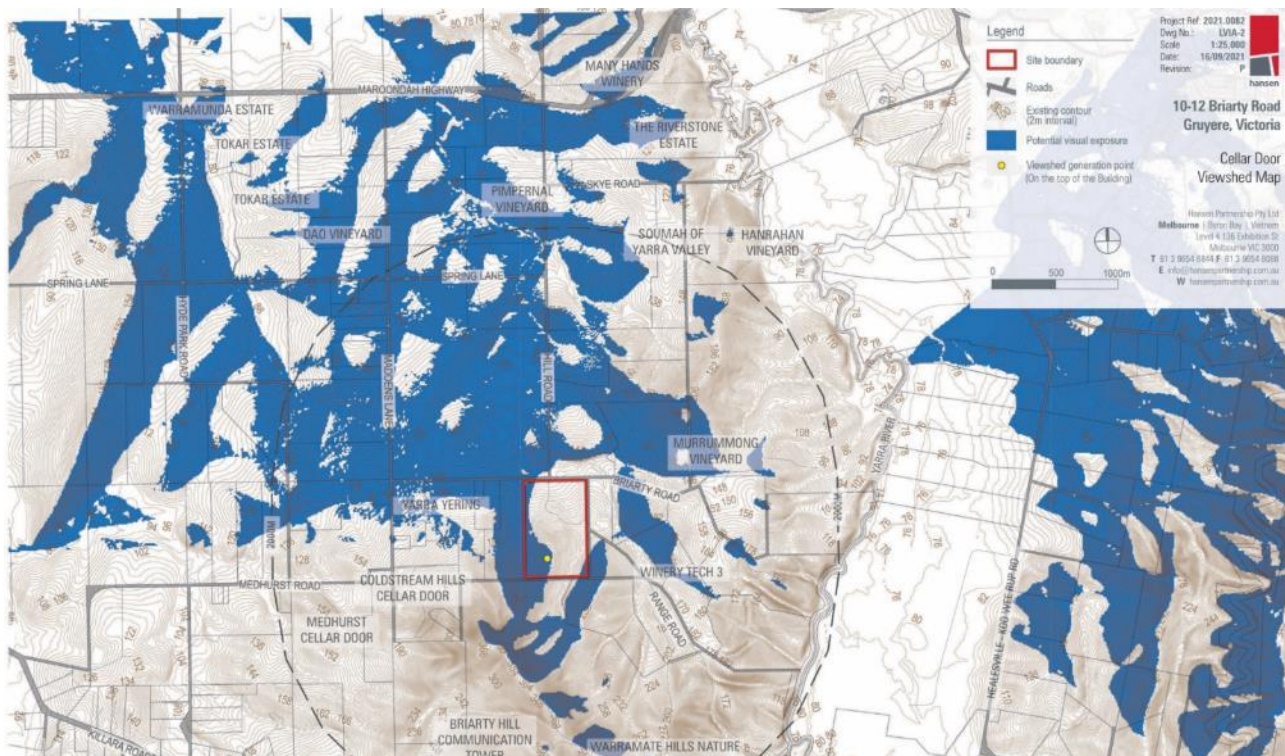


*Figure 18 east and west facing panoramic views from ridgeline*



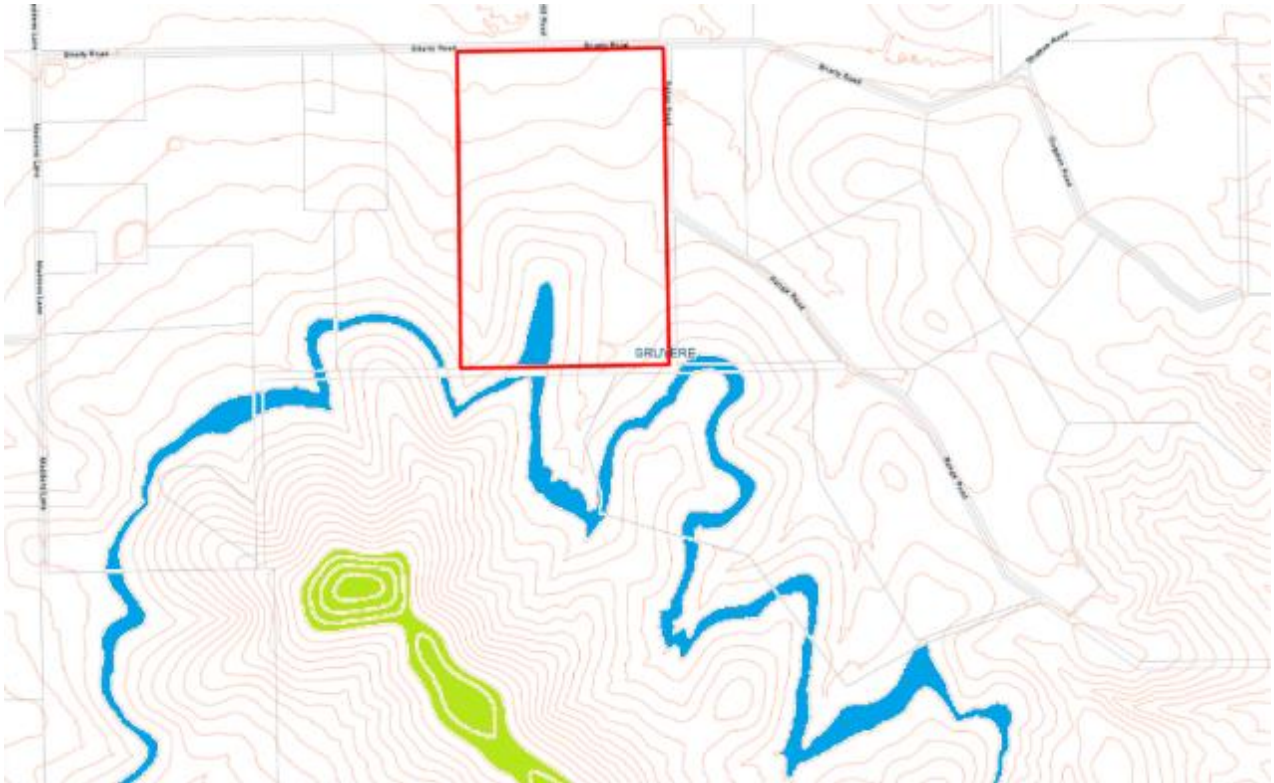
There are some native trees to the south on the ridgeline, notably tree seven (7) which is to be retained proximate to the cellar door building, and trees 179, 180 and 181 which are proximate to the car park area. There are also scattered trees to the north of the ridgeline, including tree eight (8), which filters views from the north towards the ridgeline. The existing vines typically grow to a height of two (2) metres on 1.8m high posts with top wires. The existing vines that hem the ridgeline and, assist in partly screening the lower parts of the cellar door and tasting buildings, making the ridgeline and building less prominent.

The cellar door is generally level on the ridge line which reduces the cut and fill works, the main exception being the access to the cellar door building via the “tunnel” which is to be excavated. The excavation for the tunnel will have similar or less visual impact as the existing vehicle access up to the ridge.



The applicant has provided a view line analysis showing the locations where, trees and other obstructions permitting, the cellar door would be visible from.

The proposed cellar door building has a maximum height of 94.4 metres above the lowest point of the subject site. The ridge line on the subject site is not the highest point in the landscape with higher ridge line to the west and south-east, and the land sloping steeply up to the south into the Warramate Nature Conservation Reserve with a hilltop of 267 metres above the lowest point of the subject site. Warramate Nature Conservation Reserve provides a landscaped backdrop to the ridgeline and the proposed cellar door building as viewed from the north through to the north-east.



*Figure 19 Contours of the ridge and surrounds*

The main tasting room building and associated eaves is considered a modest building at 20.2 metres in width and 18.95 metres in depth, with a maximum height of 4.87 metres. By way of a comparison, there is a large building constructed on a hilltop at 15 Hill Road and this building is approximately between 40 and 50 metres in length with no vegetated background when viewed from Hill Road. Similarly, there is a shed constructed at 6 Briarty Road which is not on a ridgeline but is very prominent in the landscape.





*Figure 20 No 15 Hill Road*



*Figure 21 No 6 Briarty Road*

The proposed cellar door buildings when viewed from Briarty Road to the north and Maroondah Highway, which is approximately three kilometres from the subject site, have in the background the Warramate Nature Conservation Reserve with a hilltop of 267 metres above the lowest point on the site, as Figure 22 demonstrates.

Views of the proposed cellar door buildings on the western approach to the site from Briarty Road (Figure 23) and the adjacent property to the west will see these buildings sitting on the ridgeline and against the skyline. Whilst planning policy discourages such view lines, it is only one view line of the proposed buildings and the proposed buildings, as stated previously, are modest in all dimensions. Vegetation in Briarty Road and in the site also acts to reduce the visual prominence of the ridgeline with limited viewing points, as Figure 24 demonstrates.

To further reduce this visual prominence, strategic planting of semi mature trees around the building will have significant benefits in softening the appearance of the buildings and is readily achievable. There is scope for the planting of semi mature landscaping around the building to immediately place it in a landscaped setting. The landscape screening is generally located outside the Bushfire Management Overlay, the screening would not contravene any Bushfire Management Plan and would be consistent with the management of vegetation in clumps which is normally allowed in heavily modified landscapes such as this.



Figure 22 Southern view from Maroondah Highway opposite Rochford Estate



Figure 23 South-east facing view from Briarty Road





*Figure 24 South-east facing view from intersection of Maddens Road and Briarty Road*

With regards to clustering of buildings in rural areas, the Planning Scheme Amendment C148 Significant Landscape Overlay (SLO6) derived from Vision 2020 by Design – A Built Environment Framework for Yarra Ranges (Shire of Yarra Ranges May 2008) includes the following building siting direction:

- Farm buildings and related structures should be clustered with existing buildings on the same land wherever practical to reinforce the existing pattern of rural development within the landscape.

The proposal is in a hilly vineyard landscape and the proposal has three distinct clusters of buildings dispersed over the site. Proposed agricultural sheds replace existing agricultural sheds and a dwelling. The wine production building replaces a second dwelling. The cellar door buildings are proposed on an existing cleared area. The proposal represents a considered clustering of buildings in the landscape, responding to existing access opportunities, cleared areas / vineyards and the topography.

The local planning policy contained in Clause 21.03 (Vision), Clause 21.06 (Built Form) and Clause 21.07 (Landscape) and the Significant Landscape Overlay discourages built form on prominent and exposed ridgelines and hilltops. It is officer's opinion that the ridgeline is low lying and not prominent in the landscape. The existing canopy trees along Briarty Road and within the site, combined with the vineyards that hem the ridge will significantly reduce the visual exposure of the ridge. The proposed buildings are modest in scale and with appropriate landscaping ensured by permit condition the design responds appropriately to the planning controls and is supported.

### **Amenity impact**

With regards to noise and light impacts, the Cellar Door is proposed to generally operate between 9am and 6:30pm with eight events per annum operating until 9:30pm. The cellar door and its car park are located approximately 400 metres from the nearest dwelling to the west and approximately 350 metres from the nearest dwelling to the east.

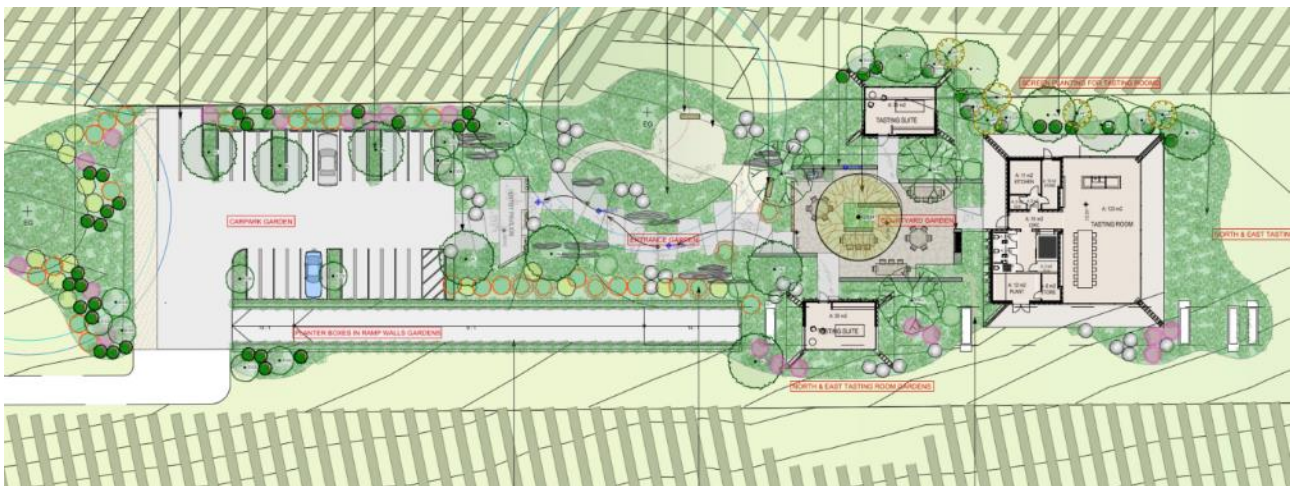
Cellar Door activities are generally enclosed within the proposed buildings and associated courtyards. Standard conditions regarding no live music, no external sound amplification, no light emissions beyond the approved operating hours and general amenity will ensure that the Cellar Door use is appropriately controlled having regard to the proximity of surrounding dwellings. There are numerous wineries in the area and the proposal is consistent with these uses.



Noting that the sun sets on the winter solstice at 5:40pm and the summer solstice at 8:40pm, the proposed hours will generally ensure that light impacts from proposed buildings and vehicles accessing the site are close to dusk, with the exception of the eight events per annum operating until 9:30pm.

The applicant has provided lighting plans which demonstrate that light spill external to the site from the Wine Production Building will be similar to that of the existing dwelling and that light spill from the cellar door can be controlled. It is not normal to require all lighting to be shown and controlled on endorsed plans as this lighting is typically altered over time without any detriment to the surrounds. Standard amenity conditions are normally applied in regard to baffling of external lights, and this is recommended in this instance.

Landscaping comprising 1.5 - 2-metre-high shrubs is proposed to the west of the car park which will prevent car headlight spill to the west. Additional shrub planting to the east of the car park access ramp should be required by permit condition to minimise car headlight spill to the east. The advertising signage is not to be illuminated outside of cellar door hours.



As part of the response to objector concerns in attachment nine, additional canopy trees have been shown with six (6) eight (8) metre-12-metre-high black She-oaks (AL), six (6) 6 metre high Queensland silver wattle (AP) and eight (8) five (5) metre high dwarf snow gums (EGS) proposed to the west of the tasting room. It is recommended these plants be semi mature at time of planting.

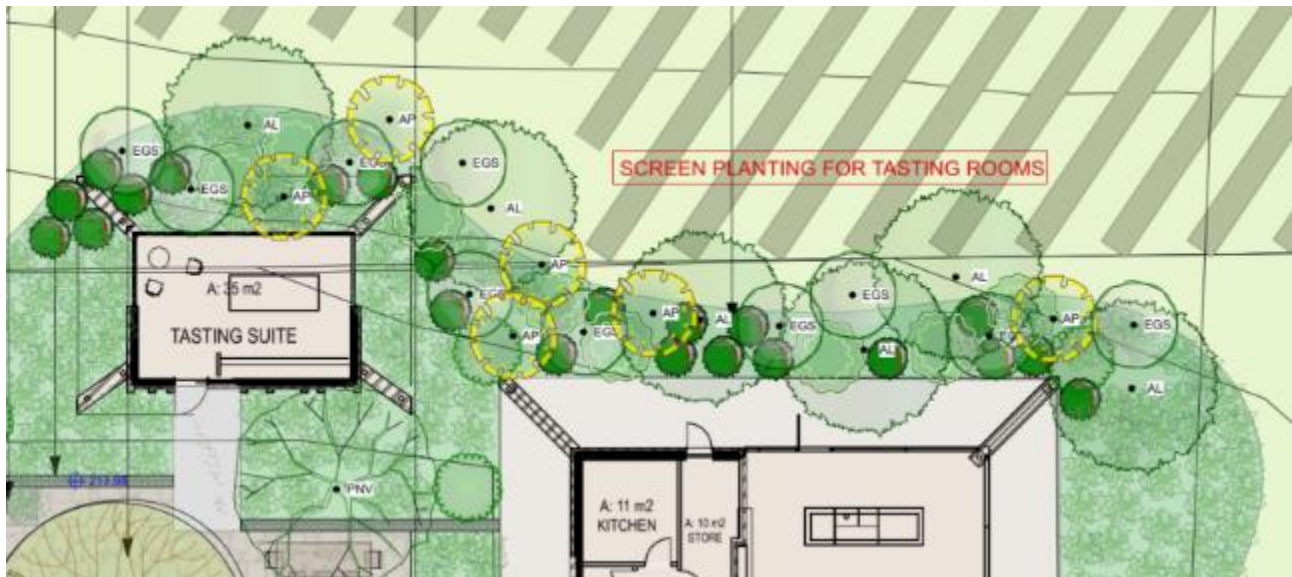


Figure 25 Revised Landscape Planting

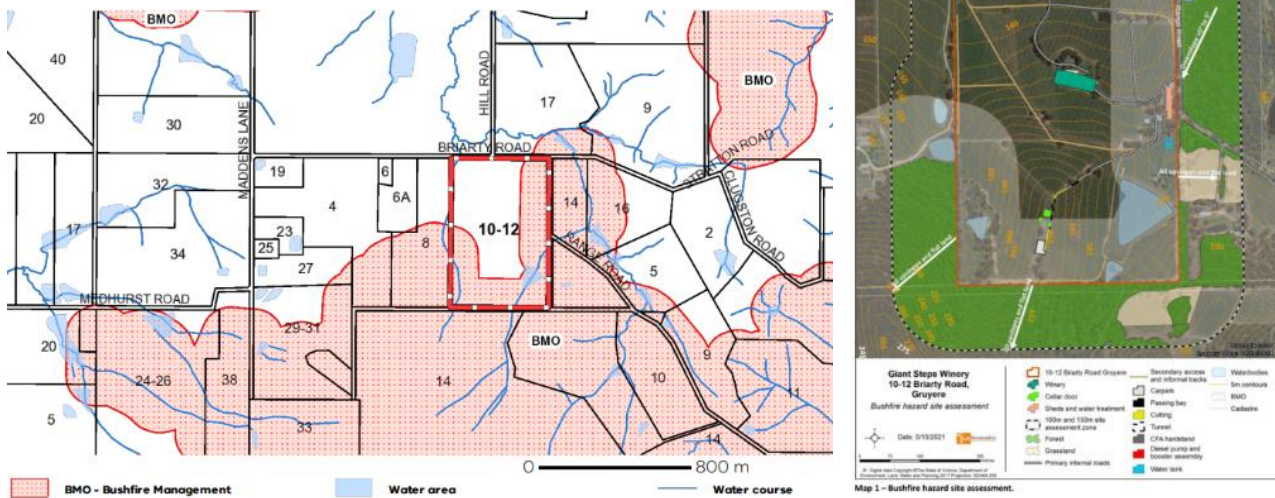
To address concerns regarding future intensification of use with a restaurant or function centre the applicant has indicated that they are willing to enter into a Section 173 Agreement. Officers do not generally support the creation of an additional level of planning control over what is prescribed in the Planning Scheme. Separate planning approval is required for a restaurant or function centre use. The proposed wine production element of this proposal and its effect on the road network capacity will be significant considerations in any future planning application that proposes a restaurant or function centre.

### Waste Management

There is sufficient area on site for waste management to be appropriately managed and a Waste Management Plan will be required by permit condition. The application has been referred to Council's Waste Management Department who have no issues or concerns with the proposal.

### Bushfire Risk

The site and surrounds are in a bushfire prone area and part of the land is located in a Bushfire Management Overlay (BMO). Agriculture and winery uses do not trigger a permit for buildings and works within the BMO. The overarching strategy of bushfire planning is to prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire. Recent updates to the Yarra Ranges Planning Scheme, including Clause 13.05 (Bushfire) and amendment C148 place greater emphasis on managing bushfire risk through siting and design controls.



The two cellar door tasting suites, cellar door car park and vineyard equipment sheds are located within the BMO. Notwithstanding that a permit is not required under the BMO, a bushfire response is considered necessary having regard to Clause 13.05 (Bushfire) and amendment C148.

The site has an abundant supply of water with two dams within its boundaries and additional 1,547 kilolitres of water tanks provided to the east of the land. Whilst the proposed water tanks are within the Bushfire Management Overlay, these tanks are proximate and accessible from Range Road and through the site from Briarty Road. There are limited clear parts of the site where this infrastructure can be provided.

The vegetation on the site is heavily modified and, as identified by Fire Rescue Victoria, ember attack is the principal fire safety issue for the site. Landscaping will need to provide canopy separation but otherwise vegetation management for defensible space is not necessary.

The cellar door and wine production buildings are located centrally to the vineyards which reduces fire risk for the structures. The two dwellings are to be removed and as such accommodation is not proposed on the land.

The application was referred to Fire Rescue Victoria for their comment and no objection was received. Noting that patrons of the cellar door may not be familiar with responding to bushfire risk it is recommended that any permit issued include a condition requiring a bushfire emergency plan to be prepared. This plan should identify that patrons attend by appointment only and the cellar door should not operate on code red days.

The siting of the cellar door on the ridge with north, west and east facing slopes has limited access via a 3.5 metre wide by 3.2-metre-high tunnel. This is not an ideal response to the fire risk having regards to the limits this places on Fire Rescue Victoria access. In response to this the applicant has demonstrated that alternate emergency vehicle access can be achieved to the cellar door via the existing access breaks between vines. This access has been reviewed by Fire Rescue Victoria and is supported. Notwithstanding, it is recommended that the tunnel be signed to not be accessed by fire fighting vehicles or any other vehicles that exceed the maximum allowable height.



## Amendment C148 to the Yarra Ranges Planning Scheme

At the time of this report, Amendment C148 to the Planning Scheme is yet to be gazetted. However, the Amendment has been submitted to the Minister for Planning for final approval, following its Panel Hearing. As such, this amendment is afforded the status of a 'seriously-entertained' amendment and is required to be considered as part of this application.

Amendment C148 would refresh the content contained within the Municipal Strategic Statement and the Local Planning Policy Framework. However, it would not alter the policy considerations for this site, which requires that built form be site-responsive and respectful of the surrounding landscape noting that the revised:

- Clause 21.03-5 (Tourism in Green Wedges) seeks to provide for tourist-oriented businesses such as the proposal to locate on sites in productive agricultural areas or in rural landscape areas if they will operate in conjunction with productive agriculture on the land; and
- Clause 21.05 (Built Form) continues to promote the proper siting and good design in the construction of all buildings by encouraging the siting and design development respond to the characteristics of the site and surrounding area.

It is considered that the proposal would continue to be consistent with the seriously entertained provisions under Amendment C148.

### Objections received

Ten (10) objections were received against the proposal from the surrounding property owners/occupiers. A response to each of the issues raised in the objections is provided in the table below:

Ground of objections	Response
Impacts on views, prominence of the cellar door building on the ridgeline / in the landscape / impacts upon skyline / spreading of buildings over the site.	<i>A comprehensive view line assessment has been completed above in this report, and plans have been provided to show the visual impact of the built form within the landscape. Whilst the building on the ridgeline will be seen, it is backdropped by a higher land mass which will reduce the visual impact. Further, the small size and low scale style of the buildings is not considered to be one which will be prominent. Conditions are required for landscaping. See assessment above.</i>
Intrusive lighting from vehicles. Light spill impacts from winery production building to north, east and south.	<i>This is discussed above under amenity impacts. Conditions are required for baffled lighting and landscaping to screen any light spill from buildings and vehicles / car park areas. Hours of operation cellar door operation at night time are generally limited to 6:30pm. Whilst the wine production building will be visible in the landscape at night it is</i>

<b>Ground of objections</b>	<b>Response</b>
	<i>not considered to be intrusive.</i>
Noise from use and vehicles / traffic	<i>This is discussed above under amenity impacts. Conditions are required to prevent external noise amplification devices.</i>
Privacy impacts of Range Road access, cellar door and winery production building.	<i>This is discussed above under amenity impacts. Having regard to the building setbacks from the boundaries, any overlooking over these distances is not unreasonable or unexpected in this setting.</i>
Habitat impacts / impacts on the conservation values of the Warramate Hills	<i>The proposal will not have any detrimental impact on wildlife on the subject site or on the surrounding sites. The vegetation on the site will not be significantly impacted by the proposal. It is noted that the subject site is within a GWZ4 where the use of land for agriculture and rural tourism are encouraged. Native landscaping including canopy trees is recommended by permit condition which will provide improved habitat.</i>
Security	<i>The proposed use and development are not anticipated to increase security risks to the surrounding land.</i>
Increased traffic impacts on residential amenity and wildlife, safety of visibility along Hill Road, narrow width of Hill Road and Briarty Road, adequacy of entrance design in Briarty Road with vehicle queuing, conflicts with horse riders, weight of trucks deteriorating roads, volume of trucks deteriorating local roads.	<i>A traffic impact assessment was submitted with the application that indicated that the additional traffic from the proposed use can be safely accommodated on the adjoining road network. Council's Traffic Engineer has reviewed the proposal and is satisfied that the proposed use and development can be satisfactorily accommodated on the site in a safe manner. Conditions are recommended to manage commercial vehicles so that they do not use Hill Road.</i>
Impact on property values	<i>Property values are speculative and not a relevant planning matter.</i>
Dust and safety the need to seal Range Road between site exit and Briarty Road	<i>Conditions are recommended to seal Range Road to the east of the site</i>
Loss of trees and vines	<i>The proposal results in minimal loss of vines. See vegetation assessment above.</i>
Proximity of cellar door to vineyards is inappropriate from a biosecurity perspective.	<i>It is acknowledged that the cellar is proximate to the vineyards however biosecurity risk issues are controlled under the Plant Biosecurity Act 2010</i>

<b>Ground of objections</b>	<b>Response</b>
	<i>and is a management issues for the venue operator.</i>
Hours of operation impacts	<i>The cellar door hours of operation will not impact unreasonably on the amenity of the surrounds.</i>
Potential for future restaurant and / or function centre use.	<i>This use is currently not proposed. Any application in the future would need to be assessed on its merits should an application be lodged for this use.</i>
Extent of earthworks	<i>The proposed earthworks are not significant in extent and do not unreasonably impact upon the visual amenity of the landscape or the productive capacity of the land.</i>
Impact of entry gate feature	<i>The entry gate feature is not overly prominent or intrusive and provides an appropriate address for a land use of this type. Entry gates and feature fencing is not an uncommon element in the surrounding character.</i>
Scale of development	<i>See assessment above.</i>
Increased Bushfire Safety Risk associated with increased visitation to the area.	<i>This matter can be addressed by a Bushfire Emergency Plan.</i>
Use is not a winery but rural industry. Scale of winery not appropriate and is not ancillary to the vineyard use. The use is Rural Manufacture. Winery will substantially produce wine from grapes not grown on the land which is not appropriate.	<i>See assessment above.</i>
The proposal is contrary to and has not been adequately assessed against <i>Vision 2020 by Design – A Built Environment Framework for Yarra Ranges</i> (Shire of Yarra Ranges - May 2008)	<i>This is a reference document that has informed amendment C148 Clause 21.05 and Clause 42.03 Significant Landscape Overlay SLO6. See detailed assessment above.</i>

## CONCLUSION

The proposed winery use is undertaken in conjunction with the vineyard and provides a tourist facility and a rural industry that services the agricultural use of the land and the surrounding area consistent with the planning policy framework and the purpose of the zone. The proposal is sympathetic to the rural landscape and will not result in unreasonable amenity impacts on the surrounds. As such, it is recommended that the proposal be supported and a Notice of Decision to Grant a Planning Permit be issued, subject to conditions as outlined in Attachment 1.

## ATTACHMENTS

- 1 Permit Conditions (*published separately*)[⇒](#)
- 2 Planning Controls (*published separately*)[⇒](#)
- 3 Amendment C148 (*published separately*)[⇒](#)
- 4 Plans and Elevations (*published separately*)[⇒](#)
- 5 Planning Report (*published separately*)[⇒](#)
- 6 Landscape Plan (*published separately*)[⇒](#)
- 7 Traffic Report (*published separately*)[⇒](#)
- 8 Arborist Report (*published separately*)[⇒](#)
- 9 Applicant Response (*published separately*)[⇒](#)

### **7.3 Proposed Amendment to seek both interim and permanent Heritage Overlay Controls on 1 Montrose Road, Montrose**

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RESPONSIBLE OFFICER      Director Planning Design & Development

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#### **SUMMARY**

Council has received planning permit application YR2022/13, for the use and development of 1 Montrose Road, Montrose for a childcare centre. The proposal involves partial demolition of the existing residential building on the site. The application received 27 objections, including on the basis that the building is of heritage value. Officers are currently assessing the merits of the planning application and a separate report will be prepared for a forthcoming Council meeting.

The site has not been identified as being of heritage significance in any existing Council heritage studies, and prior to this application had not been nominated for heritage protection. Subsequent to the advertising of the permit application, a formal nomination for inclusion in the Heritage Overlay was received from a community member.

Council has sought advice on the property from a qualified heritage consultant, that has identified that the property is of local heritage significance and recommended for inclusion in the Heritage Overlay of the Yarra Ranges Planning Scheme.

It is proposed that the Heritage Overlay be applied to 1 Montrose Road, Montrose on an interim basis, to ensure the heritage values of the place are protected while a planning scheme amendment for permanent heritage protection is publicly exhibited.

In order to apply interim controls, Council must request the Minister for Planning to use his powers of intervention under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment to the Yarra Ranges Planning Scheme (Amendment C209).

In order to commence the amendment process for a permanent control, Council must also seek authorisation from the Minister for Planning to prepare and exhibit an amendment (Amendment C210).

#### **RECOMMENDATION**

##### ***That Council***

- 1. Request the Minister for Planning to prepare, adopt and approve an amendment (Amendment C209) to the Yarra Ranges Planning Scheme under section 20(4) of the Planning and Environment Act 1987 to apply the Heritage Overlay to 1 Montrose Road, Montrose, on an interim basis, generally in accordance with the attachments to this report.***



- 2. Request the Minister for Planning authorise the preparation and exhibition of Amendment C210 to apply the Heritage Overlay to 1 Montrose Road, Montrose on a permanent basis, generally in accordance with the attachments to this report.**
- 3. Subject to the Minister's authorisation, exhibit Amendment C210 to the Yarra Ranges Planning Scheme.**

## **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**

Amendment C209 proposes to amend the Yarra Ranges Planning Scheme to apply the Heritage Overlay (HO430) to 1 Montrose Road, Montrose on an interim basis to give immediate protection. This amendment would be prepared by the Minister for Planning under section 20(4) of the *Planning and Environment Act 1987*, which enables the Minister to prepare, adopt and approve an amendment without public notice.

The approval of Amendment C209, would be conditional upon Council seeking authorisation at the same time for an amendment to apply the Heritage Overlay (HO) to the site on a permanent basis. Amendment C210 proposes to apply the HO to the site on a permanent basis.

Further details of the heritage significance of the property and the amendment proposals are outlined in the key issues section of this report and the attached Explanatory Reports (Attachments 1 and 2).

## **RELATED COUNCIL DECISIONS**

There are no related Council decisions.

## **BACKGROUND**

1 Montrose Road, Montrose contains a single residential dwelling known as Alta Dena as shown on the photos and plan in the Statement of Significance at Attachment 3. Refer Image 1 and 2 below for front façade and aerial location plan.

In January 2022, Council received planning permit application YR2022/13, for use and development of 1 Montrose Road, Montrose for a childcare centre. The proposal involves partial demolition of the existing residential building and re-purposing of the building for a childcare centre. The application received 27 objections, including on the basis that the building is of heritage value. Officers are still considering objections to the application.



*Image 1 - View of the front facade of Alta Dena (source: Extent Heritage Pty Ltd, 2022).*



*Image 2 – Aerial location plan*

The site has not previously been identified as being of heritage significance in any existing Council heritage studies, and prior to this application had not been nominated for heritage protection. Subsequent to the advertising of the permit application, a formal nomination for inclusion in the Heritage Overlay was received from a community member.

Council has sought heritage advice on the property from a qualified heritage consultant. The investigation has identified that the property, including four trees meets the threshold for local heritage protection and recommends its inclusion in the Heritage Overlay of the Yarra Ranges Planning Scheme.

## **STRATEGIC LINKS**

The proposal to apply interim and permanent heritage protection to 1 Montrose Road, Montrose is consistent with the following Council strategies and plans:

- Council Plan (2021-25) opening statement: *“We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.”*
- Council Plan (2021-25): Quality Infrastructure and Liveable Places.
- Yarra Ranges Planning Scheme:
  - Clause 15.03-1S Heritage Conservation: ensure the conservation of places of heritage significance; and
  - Clause 21.06-1- Heritage Conservation Objectives and Strategies.

## **CONSULTATION**

On 6 April 2022, Council officers and officers from Extent Heritage attended a site inspection of the property at the invitation of the landowner and the applicant for YR2022/13, who are aware that the heritage significance of the property is being investigated.

### ***Amendment C209***

If Council supports the application of an interim Heritage Overlay, and resolves to seek a Ministerial Amendment under section 20(4) of the *Planning and Environment Act 1987*, the Minister for Planning may exempt himself from the notice requirements of the Act and the amendment would be prepared, adopted and approved by the Minister without any public notice.

The effect of the exemption is that third parties will not receive notice of the amendment and will not have the opportunity to make a submission or be heard by an independent planning panel.

However, the exhibition of Amendment C210 to apply a permanent heritage control to the property will provide the opportunity for the community and affected parties to make submissions on the proposal.



### ***Amendment C210***

If Council supports the amendment proposal to apply a permanent heritage control, and resolves to seek authorisation from the Minister for Planning to prepare and publicly exhibit an amendment, and the Minister grants authorisation, the amendment would be subject to standard notification requirements for planning scheme amendments as required under the *Planning and Environment Act 1987*, including:

- Notification in a local newspaper;
- Letters to affected property owners and other key stakeholders including local heritage societies and the local National Trust Branch;
- Information available on Council's website and Council offices; and
- Direct notification to relevant government agencies and departments.

A further report would be prepared for Council to consider all submissions received through the exhibition process.

### **FINANCIAL IMPLICATIONS**

The costs associated with Amendment C209 and Amendment C210 are covered by the recurring Planning Scheme Amendments operational budget for Strategic Planning.

### **KEY ISSUES**

#### ***Heritage Significance***

Council has sought advice on the heritage significance of 1 Montrose Road, Montrose from a qualified heritage consultant. The investigation has identified that the property meets the threshold for local heritage protection and recommends its inclusion in the Heritage Overlay of the Yarra Ranges Planning Scheme.

The review of the property included:

- A desktop review of the history of the property;
- Further research to source plans and determine if the place is architect designed; and
- A site inspection that was carried out with council officers and the architect representing the planning permit applicant on 6 April 2022.

The review identified that the property meets the threshold for inclusion on the municipal heritage overlay on the basis of historic and aesthetic value, being:

- Criterion A: Importance to the course or pattern of our cultural or natural history; and
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

For every heritage place (that is, a precinct or individual place) a statement of significance must be prepared using the format of 'What is significant?'; 'How is it significant?' and

'Why is it significant?' Statements of Significance must be incorporated into a planning scheme and will be included on the Victorian Heritage Register. The heritage citation prepared for the property states:

*What is significant?*

*"The property at 1 Montrose Road, Montrose (otherwise known as Alta Dena), is locally significant to the Yarra Ranges Council. Specifically, the form, scale, detailing and sitting of the 1929 Tudor Revival style residence, along with five remnant mature trees on the property, including a Grey Poplar (*Populus x canadensis*), two Lilly Pilllys (*Syzgium smithii*) and a Japanese Cedar (*Cryptomeria japonica*) in the south garden, as well as the mature sweet gum (*Liquidambar*) in the east garden, are of local significance. Later alterations and additions are not significant."*

*How is it significant?*

Alta Dena is of local historical and aesthetic significance to the township of Montrose and Yarra Ranges Council more broadly.

*Why is it significant?*

Alta Dena is historically significant to the township of Montrose as an interwar era residence that was constructed during the growth of the Yarra Ranges area as a tourist destination and picturesque resort town during the 1920s and 1930s. Erected as a country holiday home, Alta Dena not only forms a tangible link to this phase of development, which saw the proliferation of architect designed guest houses by affluent Victorians across the mountainous districts of Healesville, Warburton and the Dandenongs, but also provides insight into the ways the region's built environment was shaped by tourism during the interwar period. (Criterion A)

Alta Dena is aesthetically significant as a highly expressive and substantially intact two-storey Tudor Revival residence with Arts and Crafts influences. Key features contributing to its aesthetic value include its steeply pitched gabled roof forms clad with terracotta tiles, prominent chimney, timber framed leadlight windows with brick window sills, unique clinker brick corner buttresses, half-timbering and over-scaled bracketed eaves. Together, these elements not only encompass the key attributes associated with the Tudor Arts and Crafts style, but also combine to create a striking and visually distinct interwar residential design. The visual appeal of these architectural features is further enhanced by several remnant mature ornamental plantings, which enhance the property's picturesque landscape setting. (Criterion E).

As the heritage citation has identified that the site has local heritage significance, and it is under threat of partial demolition as proposed through YR2022/13, the amendment is required to place interim heritage controls over the property. This will ensure the heritage values of the place are protected while the council pursues an amendment for permanent heritage protection.

The Statement of Significance for the property is at Attachment 3.

### ***Request for Interim Controls***

The *Planning and Environment Act 1987*, the *Heritage Act 2017* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

The Minister may do this by using his powers of intervention under section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve an amendment without public notice.

Even the shortest and most straightforward planning scheme amendment process will take over six months due to the consideration of submissions and the likely appointment of an independent planning panel. As the heritage statement has identified that this site has local heritage significance, and it is under imminent threat of partial demolition, it is reasonable to seek interim heritage protection of the property.

The exemption will allow the prompt approval of Amendment C209 to apply interim heritage controls that will assist in protecting the heritage place while permanent heritage controls are considered through a separate planning scheme amendment process (Amendment C210). The interim control would be replaced with the permanent heritage control pending approval of the amendment.

The interim heritage control will still allow any applications for redevelopment of the site to proceed, while ensuring consideration of heritage values. It is proposed that the interim heritage control be in place until 1 May 2023, which is expected to be enough time to exhibit and finalise the amendment for the permanent control.

### ***Permanent Controls***

As required by the Department of Environment, Land Water and Planning (DELWP), any request for an amendment to apply an interim heritage control must also include a request seeking authorisation to prepare and exhibit an amendment for a permanent heritage control.

### ***Environmental Impacts***

The amendment will not have any adverse effects on the environment. Retaining heritage buildings for adaptive reuse can also lead to environmental and economic benefits through the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing building.

### ***Social Impacts***

The amendment will have positive social and cultural effects through the interim protection of the property in the planning scheme while a planning scheme amendment to apply a permanent HO is progressed. Protection of heritage places benefits the community by adding to the understanding of Yarra Ranges' rich cultural history, providing a link to the past and giving a sense of place.

### ***Economic Impacts***

The amendment is not expected to have any adverse or significant economic effects. Inclusion of a site within the HO does not prohibit changes to that site or building, but



rather requires an application process whereby heritage considerations can be properly addressed, along with other factors before any decision on an application is made.

This may limit development that is inconsistent with maintaining heritage values, which will improve the character of the building and the wider area. It is considered that economic impacts on future development will be offset by the contribution that the heritage place offers to the broader community.

### ***Risk Assessment***

Until the property is protected by a Heritage Overlay, there is a risk of demolition, or works that may compromise the integrity of the heritage place.

### **CONCLUSION**

The application of an interim HO is an appropriate response to the identification of heritage values on a site where they had not been previously recognised. Permanent application of the HO will be considered through an exhibited amendment process to provide all stakeholders with an opportunity to comment.

### **ATTACHMENTS**

- 1 Amendment C209 Explanatory Report [↓](#)
- 2 Amendment C210 Explanatory Report [↓](#)
- 3 Statement of Significance [↓](#)

*Planning and Environment Act 1987*

## **YARRA RANGES PLANNING SCHEME**

### **AMENDMENT C109yan**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The Amendment has been made at the request of Yarra Ranges Council.

##### **Land affected by the amendment**

The amendment applies to 1 Montrose Road, Montrose.

##### **What the amendment does**

The amendment applies the Heritage Overlay to 1 Montrose Road, Montrose on an interim basis.

Specifically the amendment:

- Amends Map No. 52HO to apply the Heritage Overlay (HO430) to 1 Montrose Road, Montrose.
- Amends the Schedule to Clause 43.01 (Heritage Overlay) to include HO430 in an interim basis, until 1 May 2023.

##### **Strategic assessment of the amendment**

##### **Why is the amendment required?**

The amendment is required to apply interim heritage protection to the house known as Alta Dena and outbuildings including the Governess's Cottage and former stables and garage at 1 Montrose Road, Montrose.

In January 2022, Council received planning permit application YR2022/13, for development and use of the site for a childcare centre. The proposal involves partial demolition of the existing residential building. The application received a number of objections, including on the basis that the building is of heritage value.

The site has not been identified as being of heritage significance in any existing Council heritage studies and prior to this application had not been nominated for heritage protection.

Subsequent to the advertising of the application, on 11 March 2022 a formal nomination for inclusion in the Heritage Overlay was received.

Council has sought expert heritage advice on the property that has identified that the property is of local heritage significance and appropriate for inclusion in the Heritage Overlay.

The heritage citation prepared for the property states:

##### *What is significant?*

The property at 1 Montrose Road, Montrose (otherwise known as Alta Dena), is locally significant to the Yarra Ranges Council. Specifically, the form, scale, detailing and sitting of the 1929 Tudor Revival style residence, along with five remnant mature trees on the property, including a Grey Poplar (*Populus x canadensis*), two Lilly Pillies (*Syzygium smithii*) and a Japanese Cedar (*Cryptomeria japonica*) in the south garden, as well as the mature sweet gum (*Liquidambar*) in the east garden, are of local significance. Later alterations and additions are not significant.

*How is it significant?*

Alta Dena is of local historical and aesthetic significance to the township of Montrose and Yarra Ranges Council more broadly.

*Why is it significant?*

Alta Dena is historically significant to the township of Montrose as an interwar era residence that was constructed during the growth of the Yarra Ranges area as a tourist destination and picturesque resort town during the 1920s and 1930s. Erected as a country holiday home, Alta Dena not only forms a tangible link to this phase of development, which saw the proliferation of architect designed guest houses by affluent Victorians across the mountainous districts of Healesville, Warburton and the Dandenongs, but also provides insight into the ways the region's built environment was shaped by tourism during the interwar period. (Criterion A)

Alta Dena is aesthetically significant as a highly expressive and substantially intact two-storey Tudor Revival residence with Arts and Crafts influences. Key features contributing to its aesthetic value include its steeply pitched gabled roof forms clad with terracotta tiles, prominent chimney, timber framed leadlight windows with brick window sills, unique clinker brick corner buttresses, half-timbering and over-scaled bracketed eaves. Together, these elements not only encompass the key attributes associated with the Tudor Arts and Crafts style, but also combine to create a striking and visually distinct interwar residential design. The visual appeal of these architectural features is further enhanced by several remnant mature ornamental plantings, which enhance the property's picturesque landscape setting. (Criterion E).

As the heritage citation has identified that the site has local heritage significance, and it is under threat of partial demolition as proposed through YR2022/13, the amendment is required to place interim heritage controls over the property. This will ensure the heritage values of the place are protected while the council pursues an amendment for permanent heritage protection.

**How does the amendment implement the objectives of planning in Victoria?**

The amendment is relevant to objectives of planning in Victoria, as contained in Section 4 of the Planning and Environment Act 1987:

- (a) to provide for the fair, orderly, economic and sustainable use and development of land;
- (d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (g) to balance the present and future interests of all Victorians.

The amendment will contribute to these objectives by applying the Heritage Overlay (HO340) to 1 Montrose Road, Montrose on an interim basis, which will assist in conserving and enhancing the heritage significance of the site. The amendment ensures that the heritage place will be protected for the interest of residents, visitors and future generations of the municipality.

**How does the amendment address any environmental, social and economic effects?**

The amendment will not have any adverse effects on the environment.

The amendment will have positive social and cultural effects through the interim protection of this place in the planning scheme while a planning scheme amendment to apply a permanent Heritage Overlay is progressed. Protection of heritage places benefits the community by adding to the understanding of Yarra Ranges' rich cultural history, providing a link to the past and giving a sense of place.

Retaining heritage buildings for adaptive reuse can also lead to environmental and economic benefits through the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing building.

The application of the Heritage Overlay may have an economic impact by affecting any future development of the site.

**Does the amendment address relevant bushfire risk?**

The amendment will not result in any significant risk to life, property, community infrastructure or the natural environment from bushfire.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with the requirements of the Ministerial Direction -The Form and Content of Planning Schemes (section 7(5) of the Act)

**How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

State planning policies of relevance to this amendment include:

Clause 11.01-1S *Settlement*, which promotes the sustainable growth and development of Victoria and Metropolitan Melbourne through the consideration of the Metropolitan Planning Strategy. The amendment is consistent with Plan Melbourne 2017-2050, Direction 4.4 *Respect Melbourne's heritage as we build for the future*.

Clause 15.01-5S *Neighbourhood Character*: recognise, support and protect neighbourhood character, cultural identity and a sense of place.

Clause 15.03-1S *Heritage Conservation*: ensure the conservation of places of heritage significance. Relevant strategies identified to achieving this objective include:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment will achieve the objectives of the Local Planning Policy Framework including:

Clause 21.06-1- Heritage Conservation Objectives and Strategies:

- To protect and conserve the Shire's cultural heritage.
- Recognise the contribution that buildings and sites of heritage and cultural significance play in nurturing greater community awareness and appreciation of the Shire's past.
- Identify and conserve sites of heritage and cultural significance.
- Ensure that proposals to demolish, extend or alter sites of heritage and cultural significance give thorough consideration to the importance of the site and the effect the proposed development will have on its heritage values.
- If redevelopment is proposed on sites containing buildings and places of aesthetic, architectural and historic importance or special cultural value, any original structures, wherever practicable, be retained and restored and any new development be integrated with the character of the original style of the building.

**How does the amendment support or implement the Municipal Planning Strategy?**

Yarra Ranges Planning Scheme does not currently include a Municipal Planning Strategy at Clause 02.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The Heritage Overlay is the appropriate overlay in the Victoria Planning Provision (VPP) to identify and protect places of heritage significance.

**Have the views of any relevant agency been addressed?**

The views of relevant agencies will be considered through the amendment process for the permanent Heritage Overlay.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not impact the relevant requirements of the *Transport Integration Act 2010*, in particular the need for the transport system to provide for the effective integration of transport and land use.

**Resource and administrative costs****What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have no significant impact on resource and administrative costs. There will be a minor increase in the number of circumstances where a planning permit will be required. This can be accommodated within existing resources.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the Yarra Ranges Council web site at [www.yarraranges.vic.gov.au](http://www.yarraranges.vic.gov.au) by searching "Amendment C209"; or

The Amendment is available for public inspection, free of charge, during office hours at the following Yarra Ranges Community Link Centres:

- Lilydale – 15 Anderson Street, Lilydale
- Monbulk – 21 Main Road, Monbulk
- Healesville – 110 River Street, Healesville
- Upwey – 40 Main Street, Upwey
- Yarra Junction – 2442-2444 Warburton Hwy, Yarra Junction

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

*Planning and Environment Act 1987*

**YARRA RANGES PLANNING SCHEME**  
**AMENDMENT C210**  
**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The Amendment has been made at the request of Yarra Ranges Shire Council.

**Land affected by the amendment**

The amendment applies to 1 Montrose Road, Montrose.

**What the amendment does**

The amendment proposes to amend planning scheme map 52HO to apply the Heritage Overlay (HO430) to the site on an interim basis.

**Strategic assessment of the amendment**

**Why is the amendment required?**

In January 2022 Council received planning permit application YR2022/13, for development and use of the site for a childcare centre. The proposal involves partial demolition of the existing residential building. The application received a number of objections, including on the basis that the building is of heritage value.

The site has not been identified as being of heritage significance in any previous heritage studies, and there was no record of any nomination or evidence of heritage significance prior to this application.

Subsequent to the advertising of the application, on 11 March 2022 a formal nomination for inclusion in the Heritage Overlay was received.

Council has sought expert heritage advice on the property that has identified that the property is of local heritage significance and appropriate for inclusion in the Heritage Overlay.

The heritage citation prepared for the property states:

*What is significant?*

The property at 1 Montrose Road, Montrose (otherwise known as Alta Dena), is locally significant to the Yarra Ranges Council. Specifically, the form, scale, detailing and sitting of the 1929 Tudor Revival style residence, along with five remnant mature trees on the property, including a Grey Poplar (*Populus x canadensis*), two Lilly Pillys (*Syzygium smithii*) and a Japanese Cedar (*Cryptomeria japonica*) in the south garden, as well as the mature sweet gum (*Liquidambar*) in the east garden, are of local significance. Later alterations and additions are not significant.

*How is it significant?*

Alta Dena is of local historical and aesthetic significance to the township of Montrose and Yarra Ranges Council more broadly.

*Why is it significant?*

Alta Dena is historically significant to the township of Montrose as an interwar era residence that was constructed during the growth of the Yarra Ranges area as a tourist destination and picturesque resort town during the 1920s and 1930s. Erected as a country holiday home, Alta Dena not only forms a tangible link to this phase of development, which saw the proliferation of architect designed guest houses by affluent Victorians across the mountainous districts of Healesville, Warburton and the



Dandenongs, but also provides insight into the ways the region's built environment was shaped by tourism during the interwar period. (Criterion A)

Alta Dena is aesthetically significant as a highly expressive and substantially intact two-storey Tudor Revival residence with Arts and Crafts influences. Key features contributing to its aesthetic value include its steeply pitched gabled roof forms clad with terracotta tiles, prominent chimney, timber framed leadlight windows with brick window sills, unique clinker brick corner buttresses, half-timbering and over-scaled bracketed eaves. Together, these elements not only encompass the key attributes associated with the Tudor Arts and Crafts style, but also combine to create a striking and visually distinct interwar residential design. The visual appeal of these architectural features is further enhanced by several remnant mature ornamental plantings, which enhance the property's picturesque landscape setting. (Criterion E).

As the heritage citation has identified that the site has local heritage significance, an amendment is required to apply the Heritage Overlay to the site.

An associated amendment to apply an interim control to the property (Amendment C209) has also been prepared.

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment is relevant to objectives of planning in Victoria, as contained in Section 4 of the Planning and Environment Act 1987:

- (a) to provide for the fair, orderly, economic and sustainable use and development of land;
- (d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (g) to balance the present and future interests of all Victorians.

The amendment will contribute to these objectives by applying the Heritage Overlay (HO340) to 1 Montrose Road, Montrose on an interim basis, which will assist in conserving and enhancing the heritage significance of the site. The amendment ensures that the heritage place will be protected for the interest of residents, visitors and future generations of the municipality.

#### **How does the amendment address any environmental, social and economic effects?**

The amendment will not have any adverse effects on the environment.

The amendment will have positive social and cultural effects through the interim protection of this place in the planning scheme while a planning scheme amendment to apply a permanent Heritage Overlay is progressed. Protection of heritage places benefits the community by adding to the understanding of Yarra Ranges' rich cultural history, providing a link to the past and giving a sense of place.

Retaining heritage buildings for adaptive reuse can also lead to environmental and economic benefits through the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing building.

The application of the Heritage Overlay may have an economic impact by affecting any future sale and development of the site.

#### **Does the amendment address relevant bushfire risk?**

The amendment will not result in any significant risk to life, property, community infrastructure or the natural environment from bushfire.

#### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with the requirements of the Ministerial Direction -The Form and Content of Planning Schemes (section 7(5) of the Act)

#### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

Key State planning policies of relevance to this amendment include:

Clause 11.01-1S *Settlement*, which promotes the sustainable growth and development of Victoria and Metropolitan Melbourne through the consideration of the Metropolitan Planning Strategy. The amendment is consistent with Plan Melbourne 2017-2050, Direction 4.4 *Respect Melbourne's heritage as we build for the future*.

Clause 15.01-5S *Neighbourhood Character*: recognise, support and protect neighbourhood character, cultural identity and a sense of place.

Clause 15.03-1S *Heritage Conservation*: ensure the conservation of places of heritage significance". Relevant strategies identified to achieving this objective include:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment will have no impact on local planning policy. The amendment will support and implement the objectives relating to land use and environment in the Local Planning Policy Framework in the Yarra Ranges Planning Scheme.

**How does the amendment support or implement the Municipal Planning Strategy?**

Yarra Ranges Planning Scheme does not currently include a Municipal Planning Strategy at Clause 02.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The Amendment will result in planning scheme zones that better reflect the land tenure and land use planning objectives for the land. The Amendment makes appropriate use of the Victoria Planning Provisions through the implementation of zones and overlays to appropriately guide use and development of the relevant land. How does the amendment address the views of any relevant agency?

**Have the views of any relevant agency been addressed?**

The prescribed government agencies will be notified of the Amendment and will be given an opportunity to make submissions about the Amendment.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not impact the relevant requirements of the *Transport Integration Act 2010*, in particular the need for the transport system to provide for the effective integration of transport and land use.

**Resource and administrative costs**

**What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have no significant impact on resource and administrative costs. There will be a minor increase in the number of circumstances where a planning permit will be required. This can be accommodated within existing resources.

**Where you may inspect this amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following Yarra Ranges Community Link Centres:

## ATTACHMENT 2. Amendment C210 Explanatory Report

- Lilydale – 15 Anderson Street, Lilydale
- Monbulk – 21 Main Road, Monbulk
- Healesville – 110 River Street, Healesville
- Upwey – 40 Main Street, Upwey
- Yarra Junction – 2442-2444 Warburton Hwy, Yarra Junction

The Monbulk, Healesville, Upwey and Yarra Junction Community Links are open from 9.00am to 5.00pm Monday to Friday.

The Lilydale Community Link is open from 8.30am to 5.00pm Monday to Friday and from 9.00am to 12 midday on Saturday.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by [insert submissions due date].

A submission must be sent to Design and Place, Yarra Ranges Council, PO Box 105 Lilydale VIC 3140, or at [mail@yarraranges.vic.gov.au](mailto:mail@yarraranges.vic.gov.au).


### Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]



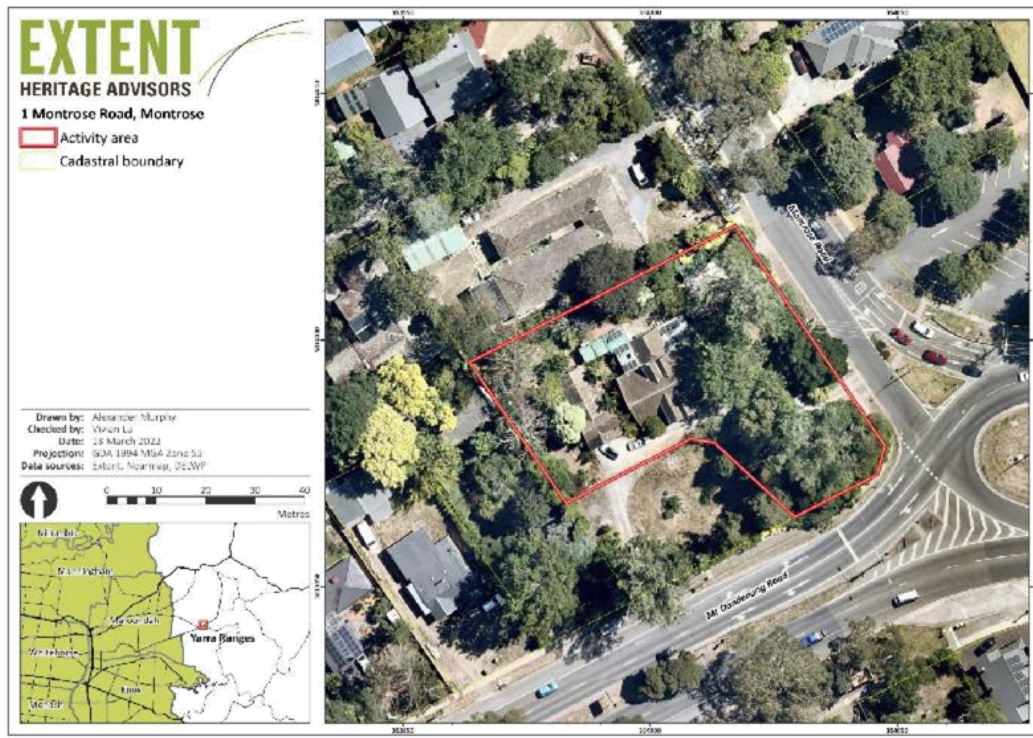
## Heritage Citation – Individual Place

<b>Place Name</b>	Alta Dena
<b>Image</b>	 <p>View of the front facade of Alta Dena (source: Extent Heritage Pty Ltd, 2022).</p>
<b>Address</b>	1 Montrose Road, Montrose VIC 3765
<b>Item Group</b>	Residential buildings (private)
<b>Item Type</b>	Residence
<b>Architect</b>	Unknown
<b>Significance Level</b>	LOCAL
<b>Date Updated</b>	April 2022





### Curtilage Map



### Statement of Significance

#### What is significant?

The property at 1 Montrose Road, Montrose (otherwise known as Alta Dena), is locally significant to the Yarra Ranges Council. Specifically, the form, scale, detailing and sitting of the 1929 Tudor Revival style residence, along with five remnant mature trees on the property, including a Grey Poplar (*Populus x canadensis*), two Lilly Pillies (*Syzygium smithii*) and a Japanese Cedar (*Cryptomeria japonica*) in the south garden, as well as the mature sweet gum (*Liquidambar*) in the east garden, are of local significance. Later alterations and additions, including the c.1953 brick and concrete rear extension to the northern elevation, the c.1952-1962 freestanding single-storey outbuilding to the norther-east corner of the property, substantially altered garage, and 1996 single-storey rear extension to the north-west corner of the main residence are not significant.

#### How is it significant?

Alta Dena is of local historical and aesthetic significance to the township of Montrose and Yarra Ranges Council more broadly.

#### Why is it significant?

Alta Dena is historically significant to the township of Montrose as an interwar era residence that was constructed during the growth of the Yarra Ranges area as a tourist destination and picturesque resort town during the 1920s and 1930s. Erected as a country holiday home, Alta Dena not only forms a tangible link to this phase of development, which saw the proliferation of architect designed guest houses by affluent Victorians across the mountainous districts of Healesville, Warburton and the Dandenongs, but also provides insight into the ways the region's built environment was shaped by tourism during the interwar period. (Criterion A)





### Statement of Significance

Alta Dena is aesthetically significant as a highly expressive and substantially intact two-storey Tudor Revival residence with Arts and Crafts influences. Key features contributing to its aesthetic value include its steeply pitched gabled roof forms clad with terracotta tiles, entrance portico with a slate tiled awning, prominent chimney and chimney breast with terracotta chimney pots, timber framed sash double and triple leadlight windows with brick window sills, unique clinker brick corner buttresses, half-timbered gables and over-scaled bracketed eaves. Together, these elements not only encompass the key attributes associated with the Tudor Arts and Crafts style, but also combine to create a striking and visually distinct interwar residential design. The visual appeal of these architectural features is further enhanced by several remnant mature ornamental plantings, which enhance the property's picturesque landscape setting. (Criterion E)

HERCON Criteria Assessment		
A	<i>Importance to the course, or pattern of our cultural or natural history.</i>	Alta Dena is historically significant to the township of Montrose as an interwar era residence that was constructed during the growth of the Yarra Ranges as a tourist destination and picturesque resort town during the 1920s and 1930s. Erected as a country holiday home, Alta Dena not only forms a tangible link to this phase of development, which saw the proliferation of architect designed guest houses by affluent Victorians across the mountainous districts of Healesville Warburton and the Dandenongs, but also provides insight into the ways the region's built environment was shaped by tourism during the interwar period.
B	<i>Possession of uncommon, rare or endangered aspects of our cultural or natural history.</i>	This place does not meet this criterion.
C	<i>Potential to yield information that will contribute to an understanding of our cultural or natural history.</i>	This place does not meet this criterion.
D	<i>Important in demonstrating the principal characteristics of a class of cultural or natural places or environments.</i>	This place does not meet this criterion.
E	<i>Importance in exhibiting particular aesthetic characteristics.</i>	Alta Dena is aesthetically significant as a highly expressive and substantially intact two-storey Tudor Revival residence with Arts and Crafts influences. Key features contributing to its aesthetic value include its steeply pitched gabled roof forms clad with terracotta tiles, prominent chimney and chimney breast with terracotta chimney pots, timber framed leadlight windows with brick window sills, unique clinker brick corner buttresses, half-timbering and over-scaled bracketed eaves. Together, these elements not only encompass the key attributes associated with the Tudor Arts and Crafts style, but also combine to create a striking and visually distinct interwar



HERCON Criteria Assessment	
	residential design. The visual appeal of these architectural features is further enhanced by several remnant mature ornamental plantings, which enhance the property's picturesque landscape setting.
F	<p><i>Importance in demonstrating a high degree of creative or technical achievement at a particular period.</i></p> <p>This place does not meet this criterion.</p>
G	<p><i>Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of the continuing and developing cultural traditions.</i></p> <p>This place does not meet this criterion.</p>
H	<p><i>Special association with the life or works of a person, or group of persons, of importance in our history.</i></p> <p>This place does not meet this criterion.</p>
	<b>Significance Level</b> LOCAL

Recommendations	
Include on Heritage Overlay?	Yes
Include on Victorian Heritage Register?	No

Recommended Heritage Controls	Yes/No
External paint controls apply?	No
Internal alteration controls apply?	No
Tree controls apply?	Yes: Grey Poplar ( <i>Populus x canadensis</i> ), two (2) Lilly Pillis ( <i>Syzygium smithii</i> ), Japanese Cedar ( <i>Cryptomeria japonica</i> ) and sweet gum ( <i>Liquidambar</i> )
Outbuildings or fences which are not exempt under Clause 43.01-4?	No
Included on the Victorian Heritage Register under the Heritage Act 1995?	No
Prohibited uses permitted?	No
Aboriginal heritage place?	No

Physical Analysis
Alta Dena comprises a two-storey interwar Tudor Revival residence set on generous and densely planted landscaped grounds on the corner of Montrose Road and Mt Dandenong Road. The property



### Physical Analysis

also includes a single storey freestanding outbuilding towards the north-east corner, as well as a freestanding garage immediately west of the main two-storey residence.

Designed in a Tudor Revival style with Arts and Crafts influences, the main residence is a rendered brick structure with a strong, grounded massing over a symmetrical rectilinear plan. It is primarily defined by its steeply pitched overhanging gable roof clad with terracotta tiles, entrance portico with a slate tiled awning, pair of upper-storey gable projections along the south (front) and north (rear) elevations and prominent chimney and chimney breast with terracotta chimney pots embellished with a 'S' shaped wall tie along the east elevation. The main entrance is located on the south elevation and set under a portico supported by two brick pillars. The fenestration comprises timber framed sash double and triple windows with leadlight glass, which are harmoniously interspersed throughout the residence. The residence's character is also strongly informed by half timbering along the gable projection and brickwork along window sills. This is further augmented by the use of Arts and Crafts derived features, including over-scaled bracketed eaves. Of particular note are the clinker brick corner buttresses, which act as both balanced focal points and decorative brickwork accents. The main residence has been extended at the rear, although these additions are not visible from the main viewpoints to the property and do not detract from the heritage value of the place.

While much of the original landscaping has been lost due to subdivisions, a number of mature trees survive that appear in early historical images of the site. The property is screened from street view by a series of shrubs and trees along the boundary wall, although the majority of these plantings do not appear to be part of the original landscaping. There are also several noted trees within the front and side gardens that likely have an early provenance, including a mature Grey Poplar (*Populus x canadensis*) tree, and two mature Lilly Pilly (*Syzygium smithii*) trees in the front garden, and a mature sweet gum (*Liquidambar*) tree planted on a brick planter within the side garden. There are also two mature Japanese Cedar (*Cryptomeria japonica*) trees along the property's southern extent, one of which is now within the boundary of 891 Mt Dandenong Road.

Also located on the property is a one-storey freestanding outbuilding / granny flat. Although not original, it is sympathetic in style and incorporates features derived from the original residence, including timber framed triple windows with leadlight glass, half timbering and terracotta tiles. The freestanding garage adjacent to the western elevation comprises a structure with a steeply pitched roof, front facing gable end as well as a projecting upper floor addition with a pitched roof along the southern elevation. The southern end of the garage, inclusive of the front facing gable and upper floor, are later additions that are not part of the original fabric. Notably, the rear end retains the form of the garage depicted in a 1962 aerial photograph. However, there is no documentary evidence to substantiate whether this formed part of the original design of the 1929 property or if it was added in the subsequent decades. Irrespective of this, physical analysis suggests that much of the original fabric has been replaced and/or altered. The gable end half timber work has either been re-laid and/or completely replaced.

Condition	Good	Fair	Poor
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### Alterations and Additions

- Brick and concrete rear extension to the northern elevation of main residence (c.1953).
- Freestanding single-storey outbuilding / granny flat added to north-east corner of property (c. 1953-1962).
- Northern (rear) portion of property subdivided (before 1962).
- Western portion of property subdivided (1983).
- Awning added to the northern elevation of outbuilding / granny flat to create an open garage (1993).
- Alterations and additions to the garage, including a ground floor extension and upper floor addition to southern elevation (1993).





### Alterations and Additions

- Window added to the gable end of garage and half-timber work re-laid (1993).
- Single-storey rear extension comprising a breakfast room, storage and laundry area off the north-west corner of main residence (1996).
- Lean to verandah added to the eastern elevation of the garage.
- Rendered boundary fence and wrought iron entrance gate added to the south-eastern extent.
- Exterior render overpainted in mauve.
- Entrance portico enclosed with glass on southern elevation.
- Timber decking added to the entrance portico.
- Garage doors replaced with timber sectional lift door.
- Portico awning re-clad with slate.
- South-western corner of property subdivided.

<b>Integrity</b>	<b>High</b>	Moderate	Low
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\* Denotes element that detracts from the cultural significance of the place.

### Historical Notes

<b>Construction year(s)</b>	1930
<b>Key theme</b>	Holidaying in the Shire
<b>Key sub-theme</b>	Guest Houses

The land encompassing Alta Dena formerly comprised a substantial portion of pastoral land belonging to Richard Toogood (Department of Crown Lands and Survey 1879). Consisting of land bounded by present day Leith Road, Mount Dandenong Road, Jacaranda Avenue and Trevallyn Close in what was then known as Mooroolbark South, settlement growth in the Yarra Ranges saw a series of subdivisions over the late nineteenth century. By 1885, the land had been subdivided into four smaller pieces of smaller land, and the land area on the corner of present day Mount Dandenong Road and Montrose Road is listed as belonging to James Walker (Department of Lands and Survey 1885).

While it remained under the ownership of James Walker over the next few decades, the land was ultimately purchased by well-known piano forte agent and importer Arthur Beckett and his wife Katherine Elizabeth Bertha (née Berber) Beckett in 1929 (Fern Tree Gully News 1930, 1). A two-storey Arts and Crafts Tudor style dwelling set on a landscaped garden was subsequently erected on the site in 1930, which served as the couple's country holiday home (Fern Tree Gully News 1930, 1; The Herald 1934, 17). Indeed, the growing popularity of the Yarra Ranges as a tourist destination and picturesque resort area during the interwar years saw the proliferation of guest houses across the mountainous districts of Healesville, Warburton and the Dandenongs (Kellaway 2000). At the time of construction, the house was anticipated as a 'splendid addition to the architecture of the district' (Fern Tree Gully News 1930, 1).

While Alfred Beckett passed away shortly after in 1936, Katherine Beckett continued to retain ownership of Alta Dena until 1950 (The Age 1936, 22). The house was subsequently sold to Ken Wright in the 1950s (Lilydale Historical Society). Wright's occupancy saw a sympathetic brick and concrete rear addition to the north elevation in 1953 (Council Valuation Cards, Shire of Yarra Ranges). Between 1953 and 1962, a freestanding outbuilding addition comprising a sympathetic single-storey structure with a pitched roof was added on the north-east corner of the site. The north facade of this outbuilding was later extended in 1993 to create an open garage. An 1962 aerial also depicts a freestanding garage with a steeply pitched gable roof adjacent to the dwelling's western elevation. As highlighted in the previous section, there is no documentary evidence to substantiate whether this formed part of the original design of the



### Historical Notes

1929 property or if it was added in the subsequent decades. Irrespective of this, physical analysis also suggests that much of the original fabric has been replaced with contemporary materials and/or substantially altered. The gable end half-timber work detailing has either been re-laid and/or completely replaced. As with the outbuilding addition, an upper floor addition was later added to the south (front) elevation in 1993 (see Further Images).

Known occupants following Ken Wright include Peter Robinson in the 1960s, and William James Jackson in the 1970s (Lilydale Historical Society). The northern (rear) portion of the property was subdivided by 1962, while the western portion was subdivided in 1983, further reducing the property's footprint (Office of Titles 1983).

The state of the garage and original 1952-1962 outbuilding addition prior to their 1993 alterations are evident in auction flyers from 1986 and 1990 respectively, which depict two freestanding structures distinguished by English Domestic Revival features including steeply pitched roofs clad with terracotta tiles, decorative half timbering and leadlight windows (see Further Images). The property was subsequently purchased by David and Sharon Bacon in 1992. Aside from the aforementioned extensions to the freestanding additions, the Bacon ownership also saw a single-storey rear extension comprising a breakfast room, storage and laundry area off the north-west corner of the dwelling in 1996.

More recently, the south-western portion of the property, inclusive of the original driveway leading to Mt Dandenong Road and a substantial section of the south garden was subdivided in 2018, resulting in both the reduction of the property's footprint as well as the loss of original landscaping and several early plantings (see Further Images).

### Comparative Analysis

As an intact Tudor Revival style residence erected as a country holiday home, Alta Dena illustrates both the growing popularity of the Tudor Revival style in the late 1920s into the 1930s, as well as the municipality's history as a popular resort area during the interwar years. It features the key elements associated with the Tudor Revival style, and is also unique in its adoption of Arts and Crafts derived features.

Comparative examples include:

- **Tudor Lodge, 1930 Healesville-Koo-wee-up Road, Yellingbo (HO382).** Built in 1927-29 by Donald Thomas Kitchener, Tudor Lodge is a notable example of the Interwar Old English style with Tudor inspired features. As with Alta Dena, it encompasses all the elements typically associated with the idiom, and shares key stylistic features including a steeply pitched roof, diamond-pane leadlight window, timber joinery and gable ends with half timbering. Tudor Lodge is less articulated however, and lacks the striking use of brick accents and bracketed eaves demonstrated at Alta Dena.
- **Sherbrooke House, 13 Sherbrooke Road, Sherbrooke (HO303).** Although considerably altered from its original state, this Old English style building dating to the 1930s is of historical and architectural interest as an interwar domestic style cottage designed specifically to rehabilitate children affected by the Depression. Extant original elements are visible on the exterior of the south elevation, and include its entrance hipped roof portico. While 13 Sherbrooke Road compares to Alta Dena in terms of its steeply pitched tiled gable roofs, incorporation of an entrance portico and intersecting roof lines, it lacks the brickwork accents, half-timbering, and prominent overhanging bracketed eaves that give Alta Dena its strong stylistic character.
- **Heatherlie, 57 Warburton Highway, Lilydale (Recommended for the Yarra Ranges Heritage Overlay).** Constructed in c.1938 in a restrained English Domestic Revival style to designs by Bernard Sutton, Heatherlie comprises an imposing two-storey interwar residence set on a large, wooded estate. It compares to Alta Dena in terms of its steeply pitched roof forms, prominent gable ends and defined chimneys. However, it is more restrained than Alta





### Comparative Analysis

Dena in terms of its detailing and ornamentation, and more imposing in terms of its scale and formality. Heatherlie is also noticeably more intact, and retains much of its original landscaping that was designed by prominent landscape architect Paul Sorensen.

As per the above comparative assessment, Alta Dena is a highly expressive example of a Tudor Revival style residence. Its steeply pitched terracotta roof forms, fenestration, brickwork accents and half timbered gables are of particular interest, and compares well to existing examples within the municipality that have been afforded heritage protection. While it is not without several alterations and additions, the original heritage fabric is substantially intact. Notably, no other known buildings of this style currently listed on the Heritage Overlay were constructed as a country holiday house. As such, Alta Dena is unique in its capacity to demonstrate the popularity of the fashionable Interwar Revival styles that were being applied in the region by holidaymakers from the city.

### Suggested Conservation Measures

For Alta Dena, conservation and enhancement of the dominant character of the place in order to improve its contribution as a heritage place, would be the principal objective. This would involve:

- Conservation of significant built form, scale and detailing of original heritage fabric at the main residence.
- Removal of non-original glass windows enclosed around entrance portico.
- Conservation of a landscaped garden setting.

### References

- Context Pty Ltd. 1999. 'Shire of Yarra Ranges Heritage Study: Report on Stage 1A & 2A, Volume 3: Farmland, Forest and Fern Gullies- An Environmental History of the Shire of Yarra Ranges.' Unpublished report prepared by C Kellaway with C Lardner for the Yarra Ranges Shire. PDF file.
- Department of Crown Lands and Survey. 1879. Mooroolbark Counties of Evelyn and Mornington. Map. Photographic Collection VPRS 8168/P0002. Public Record Office Victoria.
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- J.B. Hudson Design and Drafting. 1993. Proposed Open Garages and Timber Framed Addition at No. 891-893 Mt. Dandenong Road, Montrose. Site plan, document ID: 4815630. Yarra Ranges Council.
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- The Australian Jewish News. 1990. 'Advertising.' *The Australian Jewish News*, 14 September 1990.
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- Unknown, n.d. Montrose, looking from Mt Dandenong Road. Photograph. *Montrose, Victoria, Past & Present*, 3765 [Facebook page]. Facebook. Accessed 12 April 2022.



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Unknown. n.d. View of Alta Dena. Black and white photograph. Unknown collection. Lilydale & District Historical Society.

Yarra Ranges Council. 1950-1980. Alta Dena. Shire of Lilydale Rates and Valuation Cards, document ID: 4816887. Yarra Ranges Council.

Yarra Ranges Shire Council. 2020. Heritage Citation Report: Sherbrooke House, 13 Sherbrooke Road, Sherbrooke, Hermes ID 115782. Unpublished report. PDF file.

Yarra Ranges Shire Council. 2020. Heritage Citation Report: Tudor Lodge, 1930 Healesville- Koo-wee-rupp Road, Yellingbo, Hermes ID 115897. Unpublished report. PDF file.

### Limitations

1. A site visit, including internal access, was undertaken to the property on 6 April 2022. Observations regarding the property's physical integrity are true to this date.
2. The historical notes provided for this citation are not considered to be an exhaustive history of the site.



Further Images



c. 1940s photograph looking towards Alta Dena from Mt Dandenong Road (source: Unknown, n.d. Montrose, looking from Mt Dandenong Road. Photograph. *Montrose, Victoria, Past & Present*, 3765 [Facebook page]. Facebook. Accessed 12 April 2022).



Black and white photograph of Alta Dena entrance portico and upper storey gable projection, date unknown (source: Unknown, n.d. View of Alta Dena. Black and white photograph. Unknown collection. Lilydale & District Historical Society).

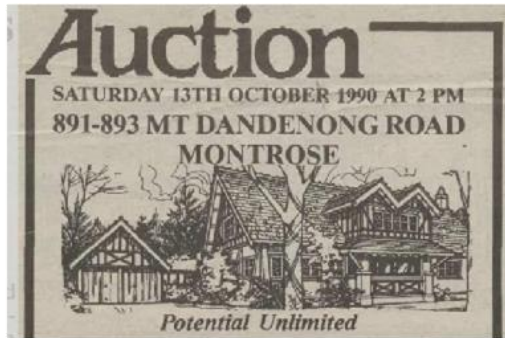


1986 sketch of Alta Dena (source: N.R. Reid & L.J. Hooker. 1986. 891-893 Mt Dandenong Road. Auction advertisement, document ID: 4816887. Yarra Ranges Council).





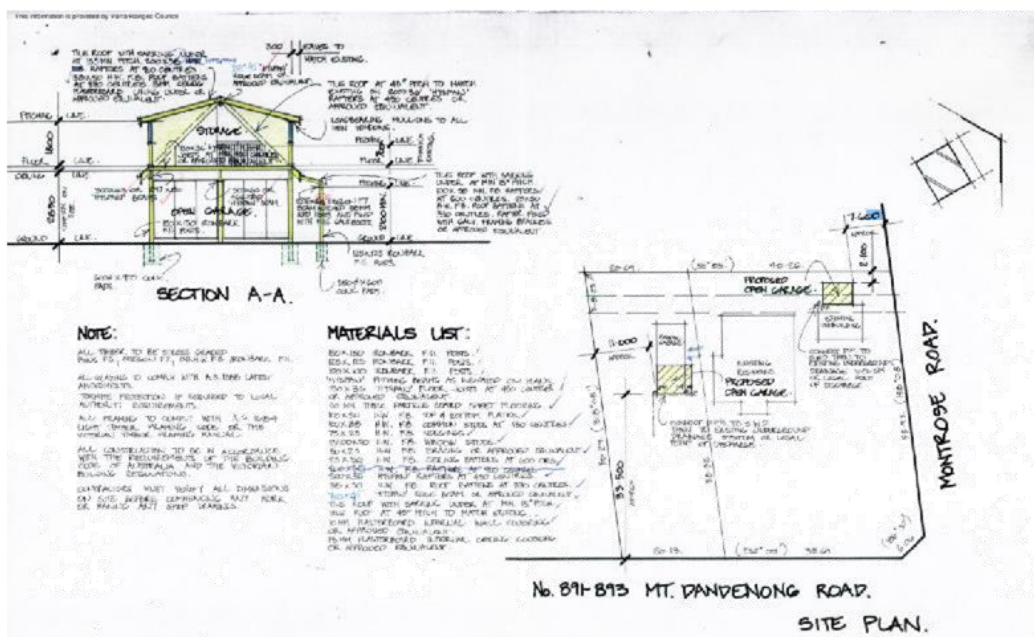
Further Images



Sketch of Alta Dena in 1990 newspaper advertisement (source: The Australian Jewish News. 1990. 'Advertising.' *The Australian Jewish News*, 14 September 1990.



1962 aerial of Alta Dena showing landscaping and curved driveway entrance (source: Landata. 1962. Lilydale – Wandin Project, aerial photograph. Central Plan Office, Landata).

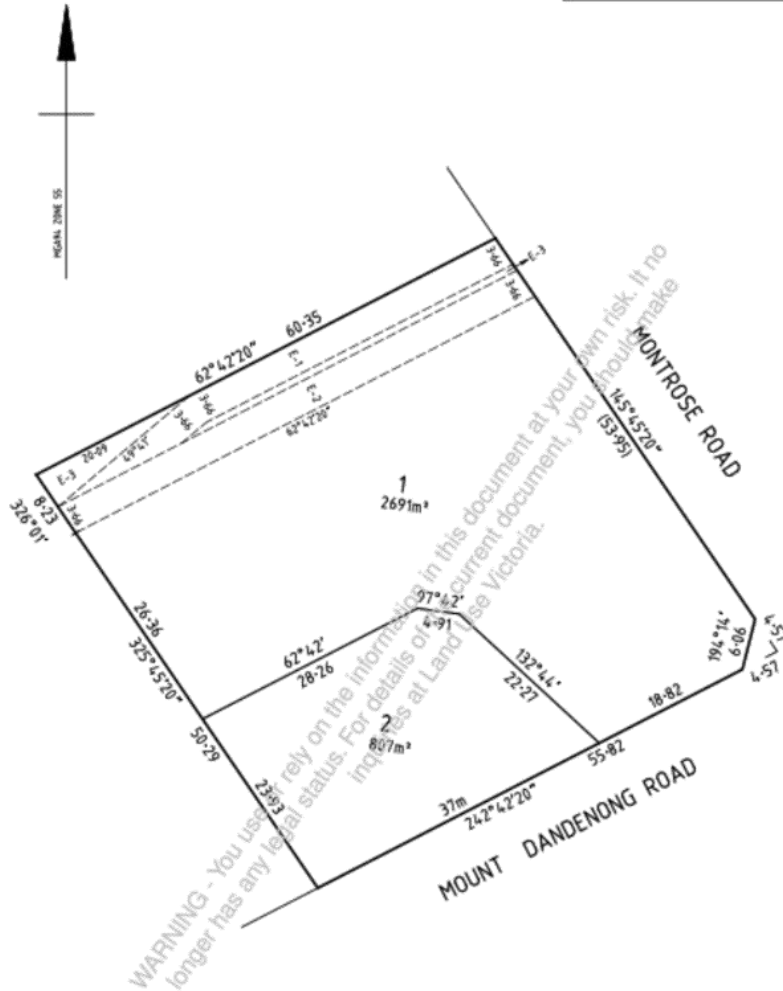


1993 architectural plans showing additions to outbuilding and garage (source: J.B. Hudson Design and Drafting. 1993. Proposed Open Garages and Timber Framed Addition at No. 891-893 Mt. Dandenong Road, Montrose. Site plan, document ID: 4815630. Yarra Ranges Council).



Further Images

PS813854J



Plan of subdivision, 2018 (source: Millar & Merrigan Pty Ltd. 2017. Plan of Subdivision. Subdivision plan, held by the Yarra Ranges Council).





Further Images



North-west facing view of main residence from driveway (source: Extent Heritage Pty Ltd, 2022).



Detail view of entrance portico and awning (source: Extent Heritage Pty Ltd, 2022).



Detail view of ground floor fenestration, brick window sill, and clinker brick corner buttress (source: Extent Heritage Pty Ltd, 2022).



West facing view showing side elevation fenestration, half timber gables and chimney breast (source: Extent Heritage Pty Ltd, 2022).



Detail view of S shaped wall tie and chimney breast (source: Extent Heritage Pty Ltd, 2022).



View of rear extension and verandah (source: Extent Heritage Pty Ltd, 2022).



Further Images



North-east facing view of main residence (source: Extent Heritage Pty Ltd, 2022).



View of freestanding addition situated towards northern extent of property (source: Extent Heritage Pty Ltd, 2022).



North-west facing view of garage (source: Extent Heritage Pty Ltd, 2022).



Detail view of upper floor addition, gable end and awning of garage (source: Extent Heritage Pty Ltd, 2022).



North-east facing view of 1996 rear addition (source: Extent Heritage Pty Ltd, 2022).



View of two mature Japanese Cedar (*Cryptomeria japonica*) plantings from Mt Dandenong Road. Note: the cedar to the left is no longer included in the curtilage of the property (source: Extent Heritage Pty Ltd, 2022).





### Further Images



View of mature Grey Poplar (*Populus x canadensis*) planting from Mt Dandenong Road (source: Extent Heritage Pty Ltd, 2022).



View of mature Lilly Pilly (*Syzgium smithii*) in front garden from driveway (source: The Department Pty Ltd, 2021).



View of mature Lilly Pilly (*Syzgium smithii*) in front garden towards boundary fence from driveway (source: The Department Pty Ltd, 2021).



Overview of mature sweet gum (*Liquidambar*) tree planted on a brick planter within the side garden (source: The Department Pty Ltd, 2021).



#### Further Images



Detail of mature sweet gum (*Liquidambar*) tree base planted on a brick planter within the side garden (source: Extent Heritage Pty Ltd, 2022).

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**CORPORATE SERVICES**

No. of Pages – 5

**7.4 2022-25 Draft Council Action Plan and 2022-23 Draft Budget including Capital Expenditure Program for Adoption in Principle**

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**RESPONSIBLE OFFICER** Director Corporate Services

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**SUMMARY**

A revised 2022-25 Council Action Plan and a draft 2022-23 to 2025-26 Budget including the 2022-23 to 2031-32 Capital Expenditure Program have been prepared following the outcomes of extensive internal consultation, taking into consideration the significant impact on the community from both the Covid-19 pandemic and June 2021 storm event. These documents articulate Council's focus for the next four years and articulate the financial and resource strategies to fund the activities and Council's response to supporting the community through a period of recovery from pandemic and storms.

They have been prepared in draft form to provide an opportunity for community comment as required under the *Local Government Act 2020* and Council's Community Engagement Policy. Any submissions received will be considered at a Hearing of Submissions Committee meeting on 15 June 2022 before Council considers the adoption of the Budget with any required changes at the Council meeting being held on 28 June 2022.

**RECOMMENDATION*****That***

- 1. *The draft 2022-25 Council Action Plan be approved for the purpose of giving public notice and undertaking consultation with the community.***
- 2. *The draft 2022-23 to 2025-26 Budget (including the draft 2022-23 to 2031-32 Capital Expenditure Program) prepared in accordance with section 94 of the Local Government Act 2020 be approved for the purpose of giving public notice and undertaking consultation with the community.***
- 3. *The Chief Executive Officer be authorised to:***
  - (a) *Give public notice in accordance with the section 96 of the Local Government Act 2020 and Council's Community Engagement Policy of Council's intention to adopt the 2022-23 to 2025-26 budget (including the 2022-23 to 2031-32 Capital Expenditure Program) at the Council meeting to be held on 28 June 2022.***
  - (b) *Undertake any and all administrative procedures necessary to enable Council to carry out its functions in accordance with its Community Engagement Policy***



- 4. In accordance with Rule 12 of the Governance Rules, the Chief Executive Officer make all arrangements for a meeting of the Hearing of Submissions Committee to commence at 6.30pm on Wednesday 15 June 2022 to consider requests to be heard in support of written submissions received on any matter contained in the draft Budget and that the Committee subsequently provide a report on its proceedings, including a summary of hearings, to Council.**

## **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**

For Council to adopt in principle the 2022-25 Council Action Plan and the draft 2021-22 to 2025-26 Budget including the 2022-23 to 2031-32 Capital Expenditure Program and to authorise the Chief Executive Officer to give public notice of these documents and make them available for public inspection.

## **RELATED COUNCIL DECISIONS**

Not applicable.

## **BACKGROUND**

The 2021-25 Council Plan is the connection point between Yarra Ranges communities' vision for the future, Vision 2036 and Council's planning process.

The 2022-25 Council Action Plan articulated the initiatives, projects and actions that Council will focus on to deliver on the strategic objectives and strategies outlined in the Council Plan 2021-25.

The 2022-23 to 2025-26 draft Budget (and the supporting Capital Expenditure Program) captures how Council proposes to fund the initiatives in the Council Plan and Council Action Plan over the next 4 years to achieve the strategic objectives and strategies.

## **STRATEGIC LINKS**

Vision 2036 articulates the future aspirations for our community and the municipality. The Council Plan is Council's strategic planning guide to outline Council's direction and focus to achieve the vision for our community. The 2021-25 Council Plan sets a clear direction for Council and the supporting Council Action Plan articulates the focussed key initiatives and projects to be undertaken by Council.

The draft Budget and Capital Expenditure Program outline how these priorities will be funded.

## **CONSULTATION**

In accordance with the requirements of the *Local Government Act 2020*, Council is required to give public notice that it intends to adopt the Budget, including the Capital Expenditure Program. These documents and the Council Action Plan will be made available for inspection at its offices and on its website for a period of 28 days and invite submissions from members of the community as per the requirements of Council's Community Engagement Policy.

Submissions will be able to be made at any of our Community Links and online via Council's website and will close at midnight on 7 June 2022.

A delegated Hearing of Submissions Committee meeting will be held on Wednesday 15 June 2022 to hear from any submitters who wish to be heard in relation to their submission, and to consider all of the submissions received.

## **FINANCIAL IMPLICATIONS**

The draft 2022-23 Budget outlines Council's management of financial resources for a four-year period. The draft Budget outlines the proposed resources to be allocated to the delivery of proposed capital works, delivery of services and funding for key community priorities and initiatives.

## **KEY ISSUES**

The Council Action Plan has been revised to include a stronger focus on the delivery of economic recovery and to support businesses impacted by the Covid-19 pandemic and the significant storm events.

The 2022-23 to 2025-26 draft Budget will enable the delivery of more than 120 services to our community, while also supporting the construction of new community facilities and maintenance of existing facilities and infrastructure including parks, trails, sporting grounds and pavilions, footpaths, roads, and bridges.

Yarra Ranges Council remains committed to providing increased value for money to rate payers. We have continued our approach of identifying opportunities to improve processes and reduce overhead costs in delivering our key services.

There is a common misconception that as properties are revalued, Council receives a "windfall gain" of additional revenue. This is not the case, as the revaluation process results in the redistribution of the rate burden across all properties in the municipality. Increases in total income from rates (excluding waste service charges) is determined by the rate cap (1.75% for 2022-23).

### ***Environmental Impacts***

The draft Budget includes funding for a number of key environmental initiatives outlined in the Council Action Plan that enable the delivery of key goals in the Environment Strategy and the Liveable Climate Plan to improve the health and biodiversity of our natural environment. These initiatives aim to reduce resources and energy consumption through environmental best practice.

### ***Social Impacts***

The Council Action Plan and the draft Budget outline key initiatives that will enable Council to work towards providing the quality services, infrastructure, and programs to promote the health and wellbeing of all within the municipality.

### ***Economic Impacts***

The revised Council Action Plan now includes a renewed focus on the delivery of projects and key initiatives to increase economic growth and support businesses and the community in its recovery from both the Covid-19 pandemic and significant storm events. The draft Budget enables these important initiatives to be funded.

### ***Risk Assessment***

Council must prepare and adopt a budget for each financial year and the subsequent three financial years by 30 June each year, in accordance with section 94 of the *Local Government Act 2020*. The annual budget must be in the format outlined in the model prescribed by the *Local Government (Planning and Reporting) Regulations 2020*. Council's Community Engagement Policy 2021 sets out how Council will engage with the community for feedback and participation through the process of adopting its annual budget.

## **CONCLUSION**

The revised 2022-25 Council Action Plan and the draft 2022-23 to 2025-26 Budget, including the Capital Expenditure Program, have been prepared through rigorous consultation with Councillors and Council officers. These documents have been developed to respond to the current and future needs of the community considering the significant impact of the Covid-19 pandemic and storm events of 2021. Council now invites the Yarra Ranges community to provide comment.

## **ATTACHMENTS**

- 1 Draft 2022-25 Council Action Plan (*published separately*)[⇒](#)
- 2 Draft 2022-23 to 2025-25 Budget (*published separately*)[⇒](#)
- 3 Draft 2022-23 to 2031-32 Capital Expenditure Program (*published separately*)[⇒](#)

## 7.5 Review of Delegations Made to Council Staff

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RESPONSIBLE OFFICER      Director Corporate Services

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### SUMMARY

Updates have been made to the Instrument of Delegation to members of Council staff (the Instrument) to reflect changes to the *Food Act 1984*, *Planning and Environment Act 1987*, *Residential Tenancies Act 1997* and *Residential Tenancies Regulations 2021* and an additional provision from the *Road Management Act 2004*.

In addition, administrative changes have also been proposed in respect of the members of Council staff nominated to act as delegates.

The proposed changes, shown by way of “track changes” in Attachment 1 to the report, ensure that appropriate members of Council staff holding, acting in or performing the duties of the positions described in the Instrument are nominated to act as delegates.

Council is asked to approve the updated Instrument.

### RECOMMENDATION

***In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation included at Attachment 1, Council resolves that:***

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

### DISCLOSURE OF CONFLICTS OF INTEREST

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**

Council to approve the updated Instrument, as included at Attachment 1.

## **RELATED COUNCIL DECISIONS**

The current Instrument was approved at the Council meeting on 25 May 2021.

## **BACKGROUND**

The power of delegation under section 11 of *Local Government Act 2020* (the Act) is a power to delegate Council's powers under that Act or any other Act (with specific exceptions) to the Chief Executive Officer.

Section 47(1) of the Act provides that the Chief Executive Officer may, by instrument of delegation, delegate to a member of the Council staff or members of a community asset committee any power, duty or function of their office, except the power of delegation itself.

Although it may be argued that Council could simply rely on the general delegation powers in the Act to delegate matters under other Acts and ignore the specific delegation powers in those other Acts, there is an appreciable risk in doing so. This would be to ignore a rule of statutory interpretation which dictates that the specific takes priority over the general.

There is a presumption that a power of delegation cannot be sub-delegated in the absence of express authority to do so. The *Planning and Environment Act 1987*, *Food Act 1984* and other Acts contain specific powers of delegation, but do not contain an express power of sub-delegation. Therefore, it is assumed that the power of delegation cannot be sub-delegated.

This means, in respect of the specific legislation included within the Instrument of Delegation at Attachment 1, it is necessary for the delegation to come directly from Council to members of Council staff.

The Instrument approved by Council on 25 May 2021 has been reviewed and the proposed updates to this have been prepared in line with advice provided by Maddocks Lawyers.

## **STRATEGIC LINKS**

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

## **CONSULTATION**

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



## FINANCIAL IMPLICATIONS

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

## KEY ISSUES

The Instrument of Delegation to members of Council staff is based on the previous Instrument approved by Council and incorporates the most recent update from Maddocks. The update covers:

- Sections 19EA(3), 19N(2), 38G(2), 39(2) and 43 of the Food Act 1984 (Food Act) have been inserted pursuant to the Food Amendment Act 2020. Section 39A has also been amended to reflect the new power to register or renew the registration of a food premises. These provisions are in force.
- Sections 19IA(1) and (2), 39A(6), 40(1) and 40E of the Food Act have also been inserted. While they contain duties, rather than powers, it was thought it may assist to have these noted in the Instrument.
- Section 45AC of the Food Act has been inserted to enable a delegate to authorise a person for the purposes of bringing proceedings.
- Section 38G(4) of the Food Act has been amended to reference the correct provision.
- Section 12A of the Planning and Environment Act 1987 (P&E Act) has been removed as it has been repealed.
- Section 113(2) of the P&E Act has been inserted pursuant to the Planning and Environment Amendment Act 2021. It relates to the power to request the Minister for a declaration for land to be proposed to be reserved for public purposes.
- Sections 91ZU, 91ZZC, 91ZZE, 142D, 142G, 142I, 206AZA, 207ZE, 311A and 317ZDA of the Residential Tenancies Act 1997 (RT Act) have been removed from the S6 and inserted in the S7. This is because the specific power of delegation provided under the RT Act only applies to Part 14 and regulations under this part. Therefore, the delegation of other powers and functions under the RT Act comes from the Local Government Act 2020.
- Section 96 of the Road Management Act 2004 has been inserted to enable a delegate to authorise a person for the purpose of instituting legal proceedings.
- The Residential Tenancies Regulations 2021 have been removed from the S6. Upon review, it was determined that the power to approve any other toilet system is not a power under the Residential Tenancies Regulations 2021 but rather a power under other legislation, such as the Environment Protection Regulations 2021.

- In addition, administrative changes have been proposed in respect of the members of Council staff nominated to act as delegates.

The updates made are shown in the Instrument included at Attachment 1 as “track-changes”. Once the Instrument has been approved, a “clean” version will be sealed and published to Council’s website, in accordance with Council’s obligations under the Act and the Public Transparency Policy.

### ***Environmental Impacts***

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

### ***Social Impacts***

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

### ***Economic Impacts***

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

### ***Risk Assessment***

The Instrument of Delegation to members of Council staff has been prepared in accordance with the advice provided by Maddocks. This addresses the risk of Council relying on the general delegation powers in the Act to delegate matters under other Acts and ignoring the specific delegation powers contained in those other Acts.

## **CONCLUSION**

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

## **ATTACHMENTS**

- 1 S6 Instrument of Delegation - Council to Staff - May 2022 [↓](#)



**Yarra Ranges Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

**~~September-May 2022~~**

## Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

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

BPCO	means Building & Planning Compliance Officer
BOPS	means Business Operations (includes: Customer Experience Business Operations Coordinator; Lead Customer Experience Officer - Business Operations, Customer Experience Officer - Business Operations & Business Operations Officer)
BSO	means Business Support Officer (business unit identified in brackets where relevant)
CEO	means Chief Executive Officer
CSCO	means Community Safety Coordinator
DCS	means Director Corporate Services
DEI	means Director Environment and Infrastructure
DPDD	means Director Planning, Design and Development
DCOM	means Director Communities
EHO	means Environmental Health Officer ( <del>includes Safer Communities Regional Lead where appointed as an EHO under s 29 of the Public Health and Wellbeing Act 2008</del> )
<del>EPEHL</del>	<del>means Public &amp; Environmental Health Lead</del> means Environment & Public Health Lead
EODC	means Executive Officer Development Compliance & Prosecutions
EOSC	means Executive Officer Safer Communities
EOISI	means Executive Officer Infrastructure Strategy & Investigations
EOPS	means Executive Officer Planning Services
EORIG	means Executive Officer Risk, Infringements and Governance
EOSP	means Executive Officer Strategic Planning
EOUDLA	means Executive Officer Urban Design and Landscape Architecture
MBS	means Municipal Building Surveyor
MPB	means Manager Planning and Building
MFIN	means Manager Financial Services
MIS	means Manager Infrastructure Services
MCW	means Manager Community Wellbeing
MDP	means Manager Design & Place
MSP	means Manager Strategic Projects
<del>PEHC</del>	<del>means Public &amp; Environmental Health Coordinator</del>
PO	means all Planning Officers (business unit identified in brackets where relevant) and includes the Subdivisions Officer
PMSP	means Project Manager Strategic Planning
(PS)	means Planning Services Team
(SP)	means Strategic Planning Team
SPO	means Senior Planning Officer and Senior Subdivisions Officer and also includes all Band 6 and Band 7 Officers (includes Principal Planning Officer and Special Projects Officer) in the Planning Unit
<del>SCPL</del>	<del>means Safer Communities Program Lead (also includes Safer Communities Program Lead (Environmental Health))</del>
TLPO	means Team Leader Planning and also includes all Band 7 Officers in the Planning Unit
3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~14 September 2021~~ 10 May 2022 and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

- 3.2.2 remains in force until varied or revoked;
  - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
  - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategy
 adopted by Council;
  - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

The COMMON SEAL of YARRA )  
 RANGES SHIRE COUNCIL was )  
 hereto affixed on / / 2022<sup>4</sup> )  
 in the presence of Tammi Rose )  
 Chief Executive Officer. )

.....  
**Tammi Rose**  
**Chief Executive Officer**



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

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DCOM, <u>MCW</u> , <u>EOSC</u> , <u>PEHC</u> , <u>PEHL</u> , <u>EHOMCW</u> , <u>EOSC</u> , <u>EHO</u> , <u>EPHL</u> , <u>SCPL</u>	If s 19(1) applies
s19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DCOM, <u>MCW</u> , <u>EOSC</u> , <u>PEHC</u> , <u>PEHL</u> , <u>EHOMCW</u> , <u>EOSC</u> , <u>EHO</u> , <u>EPHL</u> , <u>SCPL</u>	If s 19(1) applies
s19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DCOM, <u>MCW</u> , <u>EOSC</u> , <u>PEHC</u> , <u>PEHL</u> , <u>EHOMCW</u> , <u>EOSC</u> , <u>EHO</u> , <u>EPHL</u> , <u>SCPL</u>	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DCOM, <u>MCW</u> , <u>EOSC</u> , <u>PEHC</u> , <u>PEHL</u> , <u>EHOMCW</u> , <u>EOSC</u> , <u>EHO</u> , <u>EPHL</u> , <u>SCPL</u>	If s 19(1) applies
s19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	DCOM, <u>MCW</u> , <u>EOSC</u> , <u>PEHC</u> , <u>PEHL</u> , <u>EHOMCW</u> , <u>EOSC</u> , <u>EHO</u> , <u>EPHL</u> , <u>SCPL</u>	If s 19(1) applies
s19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	DCOM, <u>MCW</u> , <u>EOSC</u> , <u>PEHC</u> , <u>PEHL</u> , <u>EHOMCW</u> , <u>EOSC</u> , <u>EHO</u> , <u>EPHL</u> , <u>SCPL</u>	If s 19(1) applies
s19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DCOM, <u>MCW</u> , <u>EOSC</u> , <u>PEHC</u> , <u>PEHL</u> , <u>EHOMCW</u> , <u>EOSC</u> , <u>EHO</u> , <u>EPHL</u> , <u>SCPL</u>	Where Council is the registration authority
s19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	DCOM, <u>MCW</u> , <u>EOSC</u> , <u>PEHC</u> , <u>PEHL</u> , <u>EHOMCW</u> , <u>EOSC</u> , <u>EHO</u> , <u>EPHL</u> , <u>SCPL</u>	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s19CB(4)(b)	Power to request copy of records	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s19E(1)(d)	Power to request a copy of the food safety program	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
<u>s 19EA(3)</u>	<u>Function of receiving copy of revised food safety program</u>	<u>MCW, EOOSC, PEHC, PEHL, EHO</u>	<u>Where Council is the registration authority</u>
s19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
<u>s19IA(1)</u>	<u>Power to form opinion that the food safety requirements or program are non-compliant.</u>	<u>MCW, EOOSC, PEHC, PEHL, EHO</u>	<u>Where Council is the registration authority</u>
<u>s 19IA(2)</u>	<u>Duty to give written notice to the proprietor of the premises</u>	<u>MCW, EOOSC, PEHC, PEHL, EHO</u>	<u>Where Council is the registration authority</u> <u>Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))</u>
s19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
<u>s 19N(2)</u>	<u>Function of receiving notice from the auditor</u>	<u>MCW, EOOSC, PEHC, PEHL, EHO</u>	<u>Where Council is the registration authority</u>
s19NA(1)	Power to request food safety audit reports	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	DCOM, <u>MCW, EOOSC, PEHC, PEHL, MCW, EOOSC, SCPL</u>	
s19UA	Power to charge fees for conducting a food safety assessment or inspection	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, SCPL</u>	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
---	Power to register, <del>or renew or transfer the registration of a food premises</del>	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority  <u>Refusal to grant/ or renew/transfer the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))</u>
s 36A	Power to accept an application for registration or notification using online portal	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	DCOM, <u>MCW, EOOSC, PEHC, PEHL, MCW, EOOSC, EPHL, SCPL</u>	Where Council is the registration authority
s38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	DCOM, <u>MCW, EOOSC, PEHC, PEHL, MCW, EOOSC, SCPL</u>	Where Council is the registration authority
s38A(4)	Power to request a copy of a completed food safety program template	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s38D(3)	Power to request copies of any audit reports	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s38E(2)	Power to register the food premises on a conditional basis	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority; Not exceeding the prescribed time limit defined under s 38E(5).
s38E(4)	Duty to register the food premises when conditions are satisfied	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
<u>s 38G(2)</u>	<u>Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises</u>	<u>DCOM, MCW, EOOSC, PEHC, PEHL, EHO</u>	<u>Where Council is the registration authority</u>
s 38G(42)	Power to require the proprietor of the food premises to comply with any requirement of the Act	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHOMCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority
<u>s 39(2)</u>	<u>Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed</u>	<u>DCOM, MCW, EOOSC, PEHC, PEHL, EHO</u>	<u>Where Council is the registration authority</u>
s39A	Power to register, renew or transfer food premises despite minor defects	DCOM, <u>MCW, EOOSC, PEHC, PEHL, EHODCOM, MCW, EOOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
<u>s 39A (6)</u>	<u>Duty to comply with a direction of the Secretary</u>	<u>DCOM, MCW, EOOSC, PEHC, PEHL, EHO</u>	



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<a href="#">s 40(1)</a>	<a href="#">Duty to give the person in whose name the premises is to be registered a certificate of registration</a>	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHO</a>	<a href="#">Where Council is the registration authority</a>
s40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHODCOM, MCW, EOSC, EHO, EPHL, SCPL</a>	
s40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHODCOM, MCW, EOSC, EHO, EPHL, SCPL</a>	Where Council is the registration authority
s40D(1)	Power to suspend or revoke the registration of food premises	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHODCOM, MCW, EOSC, EHO, EPHL, SCPL</a>	Where Council is the registration authority
<a href="#">s 40E</a>	<a href="#">Duty to comply with direction of the Secretary</a>	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHO</a>	
s 40F	Power to cancel registration of food premises	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHODCOM, MCW, EOSC, EPHL, SCPL</a>	Where Council is the registration authority
<a href="#">s 43</a>	<a href="#">Duty to maintain records of registration</a>	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHO</a>	<a href="#">Where Council is the registration authority</a>
s43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, <del>transferring</del> or renewing registration of a component of a food business	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHODCOM, MCW, EOSC, EHO, EPHL, SCPL</a>	Where Council is the registration authority
s43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHODCOM, MCW, EOSC, EHO, EPHL, SCPL</a>	Where Council is the registration authority
<a href="#">s 45AC</a>	<a href="#">Power to bring proceedings</a>	<a href="#">DCOM, MCW, EOSC, PEHC, PEHL, EHO</a>	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	<u>DCOM, MCW, EOSC, PEHC, PEHL, EHODCOM, MCW, EOSC, EHO, EPHL, SCPL</u>	Where Council is the registration authority

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

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

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s185L(4)	Power to declare and levy a cladding rectification charge	CEO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s4B	Power to prepare an amendment to the Victoria Planning Provisions	Not delegated	If authorised by the Minister
s4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	MDP, MSP, EOSP, PMSP, PO(SP), BSO(SP)	
s4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	MDP, MSP, EOSP, PMSP, PO(SP), BSO(SP)	
s4I	Duty to keep Victoria Planning Provisions and other documents available in accordance with public availability requirements	MDP, MSP, EOSP, PMSP, PO(SP), BSO(SP)	
s8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	MDP, MSP, EOSP, PMSP, PO(SP)	
s8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	MDP, MSP, EOSP, PMSP, PO(SP)	
s8A(5)	Function of receiving notice of the Minister's decision	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	

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

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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	The DPDD, MPB, MDP or MSP may appoint a consultant or legal representative to represent Council at a panel hearing.
s26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	DPDD, MDP, MSP	
s26(2)	Duty to keep report of panel available in accordance with public availability requirements	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO(SP)	
s27(2)	Power to apply for exemption if panel's report not received	DPDD, MDP, MSP	Must only be exercised where Council has previously indicated its intention to seek an exemption or where a situation exists that requires urgent action to be taken prior to reporting to Council.
s28(1)	Duty to notify the Minister if abandoning an amendment	DPDD, MDP, MSP, EOSP, PMSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	DPDD, MDP, MSP, EOSP, PMSP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	DPDD, MDP, MSP, EOSP, PMSP	
s30(4)(a)	Duty to say if amendment has lapsed	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	
s30(4)(b)	Duty to provide information in writing upon request	DPDD, MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	
s32(2)	Duty to give more notice if required	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	
s33(1)	Duty to give more notice of changes to an amendment	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	
s36(2)	Duty to give notice of approval of amendment	MDP, MSP, EOSP, PMSP	
s38(5)	Duty to give notice of revocation of an amendment	MDP, MSP, EOSP, PMSP	
s39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, EOUDLA	The DPDD, MPB, MDP or MSP may appoint a consultant or legal representative to represent Council at a proceeding

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s40(1)	Function of lodging copy of approved amendment	MDP, MSP, EOSP, PMSP	
s41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)	
s42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP), BSO(SP)	
s46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation.
s46AW	Function of being consulted by the Minister	DPDD, MDP, MSP	Where Council is a responsible public entity
s46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	DPDD, MDP, MSP	Where Council is a responsible public entity
s46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DPDD, MDP, MSP, EOSP, PMSP	Where Council is a responsible public entity

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DPDD, MDP, MSP, EOSP, PMSP	Where Council is a responsible public entity
s46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DPDD, MDP, MSP, EOSP, PMSP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DPDD, MDP, MSP	
s46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DPDD, MDP, MSP	
s46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MDP, MSP, EOSP, PMSP	
s46GO(1)	Duty to give notice to owners of certain inner public purpose land	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	
s46GP	Function of receiving a notice under s.46GO	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	Where Council is the collecting agency
s46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	
s46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	
s46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the minister	MDP, MSP, EOSP, PMSP, SPO(SP), PO(SP)	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ	DPDD, MDP, MSP, EOSP, PMSP	
s46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DPDD, MDP, MSP, EOSP, PMSP	
s46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DPDD, MDP, MSP, EOSP, PMSP	
s46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DPDD, MDP, MSP, EOSP, PMSP	
s46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DPDD, MDP, MSP, EOSP, PMSP	
s46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DPDD, MDP, MSP, EOSP, PMSP	
s46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GV(3)(b)	Power to enter into an agreement with the applicant	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the development agency
s46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DPDD, MDP, MSP, EOSP, PMSP	
s46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DPDD, MDP, MSP, EOSP, PMSP	Where Council is the collecting agency
s46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GY(1)	Duty to keep proper and separate accounts and records	DPDD, MDP, MSP, EOSP, PMSP, MFIN	where Council is the collecting agency
s46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency
s46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s46GZ(2)(a)	Function of receiving the monetary component	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those, works, services or facilities	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46GZ(2)(b)	Function of receiving the monetary component	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DPDD, MDP, MSP, EOSP, PMSP, MFIN	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46GZ(9)	Function of receiving the fee simple in the land	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s46GZA(1)	Duty to keep proper and separate accounts and records	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is a development agency under an approved infrastructure contributions plan
s46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(3)	Duty to follow the steps set out in s.46GZB(3)(a) – (c)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DPDD, MDP, MSP, EOSP, PMSP, MFIN	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan
s46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46GZE(2)	Function of receiving the unexpended land equalisation amount	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan
s46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the development agency under an approved infrastructure contributions plan
s46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DPDD, MDP, MSP, EOSP, PMSP	Where Council is a collecting agency or development agency

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DPDD, MDP, MSP, EOSP, PMSP, MFIN	Where Council is a collecting agency or development agency
s46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DPDD, MDP, MSP, EOSP, PMSP, MFIN	
s46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DPDD, MDP, MPB, MSP, EOPS, SPO, TLPO, PO	
s46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	DPDD, MDP, MSP	
s46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DPDD, MDP, MSP	
s46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	MBS, EODC	
s46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DPDD, MDP, MSP	
s46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DPDD, MDP, MSP	
s46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DPDD, MDP, MSP	
s46Q(1)	Duty to keep proper accounts of levies paid	MFIN	
s46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	DPDD, MDP, MSP	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	Not delegated	
s46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	Not delegated	Only applies when levy is paid to Council as a 'development agency'
s46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	Not delegated	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	Not delegated	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	Not delegated	With the consent of, and in the manner approved by, the Minister
s46QC	Power to recover any amount of levy payable under Part 3B	Not delegated	
s46QD	Duty to prepare report and give a report to the Minister	Not delegated	Where Council is a collecting agency or development agency
s46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not delegated	
s46Y	Duty to carry out works in conformity with the approved strategy plan	Not delegated	
s47	Power to decide that an application for a planning permit does not comply with that Act	MPB, MDP, MSP, EOPS, EOOP, PMSP, SPO, TLPO, PO	
s49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	MPB, EOPS, PO(PS), BSO(PS)	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s49(2)	Duty to make register available for inspection in accordance with the public availability requirements	MPB, EOPS, SPO, TLPO, PO, BSO(PS)	
s50(4)	Duty to amend application	MPB, MDP, MSP, EOPS, EO SP, PMSP, SPO, TLPO, PO	
s50(5)	Power to refuse to amend application	MPB, MDP, MSP, EOPS, EO SP, PMSP	
s50(6)	Duty to make note of amendment to application in register	MPB, MDP, MSP, EOPS, EO SP, PMSP, PO, SPO, TLPO, BSO	
s50A(1)	Power to make amendment to application	MPB, MDP, MSP, EOPS, EO SP, PMSP, SPO, TLPO, PO	
s50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	MPB, MDP, MSP, EOPS, EO SP, PMSP, SPO, TLPO, PO	
s50A(4)	Duty to note amendment to application in register	MPB, MDP, MSP, EOPS, EO SP, PMSP, SPO, TLPO, PO, BSO	
s51	Duty to make copy of application available for inspection in accordance with the public availability requirements	MPB, MDP, MSP, EOPS, EO SP, PMSP, SPO, TLPO, PO, BSO	
s52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	MPB, MDP, MSP, EOPS, EO SP, PMSP, TLPO, SPO, TLPO, PO	In case of a decision not to give notice of an application, this delegation must only be exercised by the MPB, MDP, MSP, EOPS, EO SP, PMSP or TLPO
s52(1)(b)	Duty to give notice of the application to other municipal councils where appropriate	MPB, MDP, MSP, EOPS, EO SP, PMSP, SPO, TLPO, PO	
s52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	MPB, MDP, MSP, EOPS, EO SP, PMSP, SPO, TLPO, PO	
s52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	MPB, MDP, MSP, EOPS, EO SP, PMSP, SPO, TLPO, PO	

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

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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s57A(6)	Duty to note amendments to application in register	MPB, MDP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s57B(1)	Duty to determine whether and to whom notice should be given	MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO, SPO, PO	A decision to not give notice must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP or TLPO.
s57B(2)	Duty to consider certain matters in determining whether notice should be given	MPB, MDP, MSP, EOPS, EOSP, PMSP, TLPO, SPO, PO	A decision to not give notice must only be exercised by the MPB, MDP, MSP, EOPS, EOSP, PMSP or TLPO.
s57C(1)	Duty to give copy of amended application to referral authority	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s58	Duty to consider every application for a permit	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s58A	Power to request advice from the Planning Application Committee	DPDD, MPB, MDP, MSP	
s60	Duty to consider certain matters	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s60(1A)	Duty to consider certain matters	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	

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



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

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

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

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

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

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



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

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

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

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s97R	Duty to keep register of all applications for certificate of compliance and related decisions	MPB, MDP, MSP, EOPS, EO SP, PMSP, EODC, BPCO, SPO, TLPO, PO, BSO	
s98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DPDD, MPB, MDP, MSP,	
s98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DPDD, MPB, MDP, MSP, EO SP, PMSP, PO(SP)	
s101	Function of receiving claim for expenses in conjunction with claim	DPDD, MPB, MDP, MSP	
s103	Power to reject a claim for compensation in certain circumstances	DPDD	
s107(1)	Function of receiving claim for compensation	DPDD, MDP, MSP, EO SP, PMSP	
s107(3)	Power to agree to extend time for making claim	DPDD	
<a href="#">s 113(2)</a>	<a href="#">Power to request a declaration for land to be proposed to be reserved for public purposes</a>	<a href="#">DPDD, MPB, MDP, EO SP, EOPS</a>	
s114(1)	Power to apply to the VCAT for an enforcement order	DPDD, <a href="#">MPB</a> , EODC	
s117(1)(a)	Function of making a submission to the VCAT where objections are received	EODC, BPCO	The EODC may appoint a consultant or legal representative to represent Council at a proceeding.
s120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DPDD, <a href="#">MPB</a> , EODC	
s123(1)	Power to carry out work required by enforcement order and recover costs	DEI, DPDD, EODC	
s123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DEI, DPDD	Except Crown Land
s129	Function of recovering penalties	<a href="#">MPB</a> , EODC, BPCO	
s130(5)	Power to allow person served with an infringement notice further time	MPB, EOPS, EODC	

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

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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s178C(4)	Function of determining how to give notice under s 178C(2)	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s178E(1)	Duty not to make decision until after 14 days after notice has been given	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DPDD, MPB, MDP, MSP, EOPS	If no objections are made under s 178D Must consider matters in s 178B Must not be exercised if any of the following conditions apply: C - Call in by relevant ward Councillor
s178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DPDD, MPB, MDP, MSP, EOPS	If no objections are made under s 178D Must consider matters in s 178B Must not be exercised if any of the following conditions apply: C - Call in by relevant ward Councillor
s178E(2)(c)	Power to refuse to amend or end the agreement	DPDD, MPB, MDP, MSP, EOPS	If no objections are made under s 178D Must consider matters in s 178B Must not be exercised if any of the following conditions apply: C - Call in by relevant ward Councillor
s178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DPDD, MPB, MDP, MSP, EOPS	After considering objections, submissions and matters in s 178B Must not be exercised if any of the following conditions apply: A - Objections C - Call in by relevant ward Councillor

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

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s178(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	The DPDD, MPB, MDP or MSP may appoint a consultant or legal representative to act on behalf of Council.
s181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP	The DPDD, MPB, MDP or MSP may appoint a consultant or legal representative to act on behalf of Council.
s181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	The DPDD, MPB, MDP or MSP may appoint a consultant or legal representative to act on behalf of Council.
s182	Power to enforce an agreement	DPDD, MPB, MDP, MSP, EODC, EOPS, EOSP, PMSP	
s183	Duty to tell Registrar of Titles of ending/amendment of agreement	DPDD, MPB, MDP, MSP, EODC, PO, EOPS, EOSP, PMSP, BSO	The DPDD, MPB, MDP or MSP may appoint a consultant or legal representative to act on behalf of Council.
s184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DPDD, MPB, MDP, MSP	
s184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s184G(2)	Duty to comply with a direction of the Tribunal	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s184G(3)	Duty to give notice as directed by the Tribunal	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s198(1)	Function to receive application for planning certificate	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s199(1)	Duty to give planning certificate to applicant	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s201(1)	Function of receiving application for declaration of underlying zoning	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s201(3)	Duty to make declaration	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, EODC, TLPO	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO	<p>The decision must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Must not be exercised if any of the following conditions apply:</p> <p>C - Call in by relevant ward Councillor</p> <p>The above conditions do not apply in circumstances described in the following conditions:</p> <p>D - Call out by relevant ward Councillor</p> <p>E - Summer recess and emergency delegations.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DPDD, MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
-	Power to give written authorisation in accordance with a provision of a planning scheme	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO	
s201UAB(1)	Function of providing the Victorian Planning Authority with information relating to any land within municipal district	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	
s201UAB(2)	Duty to provide the Victorian Planning Authority with information requested under s 201UAB(1) as soon as possible	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<del>s 91ZU(1)</del>	<del>Power to give a renter a notice to vacate rented premises</del>	<del>Not applicable</del>	<del>Where Council is a public statutory authority engaged in the provision of housing Council is not involved directly in the provision of public housing.</del>
<del>s 91ZZC(1)</del>	<del>Power to give a renter a notice to vacate rented premises</del>	<del>Not applicable</del>	<del>Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Council is not involved directly in the provision of public housing.</del>
<del>s 91ZZE(1)</del>	<del>Power to publish Council's criteria for eligibility for the provision of housing</del>	<del>Not applicable</del>	<del>Where Council is a public statutory authority engaged in the provision of housing Council is not involved directly in the provision of public housing.</del>
<del>s 91ZZE(3)</del>	<del>Power to publish Council's criteria for eligibility for the provision of housing</del>	<del>Not applicable</del>	<del>Where Council is a public statutory authority engaged in the provision of housing Council is not involved directly in the provision of public housing.</del>
s142D	Function of receiving notice regarding an unregistered rooming house	EOSC, EHO, EPHL, SCPL, GSCO	



<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EOSC, SCPL, CSCO, EHO, EPHL	
s142G(2)	Power to enter certain information in the Rooming House Register	EOSC, SCPL, CSCO, EHO, EPHL	
s142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EOSC, SCPL, CSCO, EHO, EPHL	
s 206AZA(2)	Function of receiving written notification	DCOM, MCW, EOSC, SCPL, CSCO	
s 207ZE(2)	Function of receiving written notification	DCOM, MCW, EOSC, SCPL, CSCO	
s 311A(2)	Function of receiving written notification	DCOM, MCW, EOSC, SCPL, CSCO	
s 317ZDA(2)	Function of receiving written notification	DCOM, MCW, EOSC, SCPL, CSCO	
s518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
s522(1)	Power to give a compliance notice to a person	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
s525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
s525(4)	Duty to issue identity card to authorised officers	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
s526(5)	Duty to keep record of entry by authorised officer under s 526	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
s526A(3)	Function of receiving report of inspection	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
s527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s11(1)	Power to declare a road by publishing a notice in the Government Gazette	DEI, DCS	Obtain consent in circumstances specified in s 11(2)
s11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	EORIG, MIS	
s11(9)(b)	Duty to advise Registrar	EORIG, MIS	
s11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	EORIG, MIS	Subject to s 11(10A)
s11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MIS, EOISI	Where Council is the coordinating road authority
s12(2)	Power to discontinue road or part of a road	MIS, EOISI	Where Council is the coordinating road authority Delegation relates to publishing notice in Government Gazette; power of coordinating road authority to discontinue road is not delegated.
s12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	MIS, EOISI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s12(5)	Duty to consider written submissions received within 28 days of notice	Not delegated	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s12(6)	Function of hearing a person in support of their written submission	Not delegated	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	MIS, EOISI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s12(10)	Duty to notify of decision made	MIS, EOISI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the minister

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	MIS	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s14(4)	Function of receiving notice from the Head, Transport for Victoria	DEI	
s14(7)	Power to appeal against decision of the Head, Transport for Victoria	DEI, MIS	
s15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DEI	
s15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DEI, MIS	
s15(2)	Duty to include details of arrangement in public roads register	MIS	
s16(7)	Power to enter into an arrangement under s 15	DEI	
s16(8)	Duty to enter details of determination in public roads register	MIS	
s17(2)	Duty to register public road in public roads register	MIS	Where Council is the coordinating road authority
s17(3)	Power to decide that a road is reasonably required for general public use	MIS	Where Council is the coordinating road authority
s17(3)	Duty to register a road reasonably required for general public use in public roads register	MIS	Where Council is the coordinating road authority
s17(4)	Power to decide that a road is no longer reasonably required for general public use	MIS	Where Council is the coordinating road authority
s17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	MIS	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s18(1)	Power to designate ancillary area	MIS	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s18(3)	Duty to record designation in public roads register	MIS	Where Council is the coordinating road authority
s19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	MIS	
s19(4)	Duty to specify details of discontinuance in public roads register	MIS	
s19(5)	Duty to ensure public roads register is available for public inspection	MIS	
s21	Function of replying to request for information or advice	MIS	Obtain consent in circumstances specified in s 11(2)
s22(2)	Function of commenting on proposed direction	DEI	
s22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	DEI	
s22(5)	Duty to give effect to a direction under this section.	DEI	
s40(1)	Duty to inspect, maintain and repair a public road	DEI	
s40(5)	Power to inspect, maintain and repair a road which is not a public road	DEI	
s41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DEI	
s42(1)	Power to declare a public road as a controlled access road	DEI	Power of coordinating road authority and sch 2 also applies
s42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DEI, MIS	Power of coordinating road authority and sch 2 also applies
s42A(3)	Duty to consult with the Head, Transport for Victoria and Minister for Local Government before road is specified	DEI, MIS	Where Council is the coordinating road authority If road is a municipal road or part thereof

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	DEI	Where Council is the coordinating road authority  If road is a municipal road or part thereof and where road is to be specified a freight road
s48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	MIS	Where Council is the responsible road authority, infrastructure manager or works manager
s48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	MIS	
s49	Power to develop and publish a road management plan	MIS	
s51	Power to determine standards by incorporating the standards in a road management plan	MIS	
s53(2)	Power to cause notice to be published in Government Gazette of amendment etc. Of document in road management plan	MIS	
s54(2)	Duty to give notice of proposal to make a road management plan	MIS	
s54(5)	Duty to conduct a review of road management plan at prescribed intervals	MIS	
s54(6)	Power to amend road management plan	MIS	
s54(7)	Duty to incorporate the amendments into the road management plan	MIS	
s55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MIS	
s63(1)	Power to consent to conduct of works on road	MIS	Where Council is the coordinating road authority
s63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MIS	Where Council is the infrastructure manager



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s64(1)	Duty to comply with cl 13 of sch 7	MIS	Where Council is the infrastructure manager or works manager
s66(1)	Power to consent to structure etc	MIS	Where Council is the coordinating road authority
s67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	MIS	Where Council is the coordinating road authority
s67(3)	Power to request information	MIS	Where Council is the coordinating road authority
s68(2)	Power to request information	MIS	Where Council is the coordinating road authority
s71(3)	Power to appoint an authorised officer	DEI	
s72	Duty to issue an identity card to each authorised officer	DEI, MIS	
s85	Function of receiving report from authorised officer	MIS	
s86	Duty to keep register re s 85 matters	MIS	
s87(1)	Function of receiving complaints	MIS	
s87(2)	Duty to investigate complaint and provide report	MIS	
<a href="#">s 96</a>	<a href="#">Power to authorise a person for the purpose of instituting legal proceedings</a>	<a href="#">MIS, MPB, MCW</a>	
s112(2)	Power to recover damages in court	DEI	
s116	Power to cause or carry out inspection	MIS	
s119(2)	Function of consulting with the Head, Transport for Victoria	DEI, MIS	
s120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	MIS	
s120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	MIS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s121(1)	Power to enter into an agreement in respect of works	MIS	
s122(1)	Power to charge and recover fees	MIS	
s123(1)	Power to charge for any service	DEI, MIS	
Schedule 2 Clause 2(1)	Power to make a decision in respect of controlled access roads	DEI	
Schedule 2 Clause 3(1)	Duty to make policy about controlled access roads	DEI	
Schedule 2 Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MIS	
Schedule 2 Clause 4	Function of receiving details of proposal from the Head, Transport for Victoria	MIS	
Schedule 2 Clause 5	Duty to publish notice of declaration	MIS	
Schedule 7, Clause 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	MIS	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	MIS	Where Council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	MIS	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	MIS	Where Council is the infrastructure manager or works manager

## ATTACHMENT 1. S6 Instrument of Delegation - Council to Staff - May 2022

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7, Clause 10(2)	Where sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	MIS	Where Council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 12(5)	Power to recover costs	MIS	Where Council is the coordinating road authority
Schedule 7, Clause 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7, cl 13(2)	MIS	Where Council is the works manager
Schedule 7 Clause 13(2)	Power to vary notice period	MIS	Where Council is the coordinating road authority
Schedule 7, Clause 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7, cl 13(1)	MIS	Where Council is the infrastructure manager
Schedule 7 Clause 16(1)	Power to consent to proposed works	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 16(4)	Duty to consult	MIS	Where Council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	Power to consent to proposed works	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 16(6)	Power to set reasonable conditions on consent	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 16(8)	Power to include consents and conditions	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 18(1)	Power to enter into an agreement	DEI, MIS	Where Council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 19(1)	Power to give notice requiring rectification of works	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	MIS	Where Council is the coordinating road authority
Schedule 7 Clause 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	MIS	Where Council is the coordinating road authority
Schedule 7A Clause 2	Power to cause street lights to be installed on roads	MIS	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	MIS	Where Council is the responsible road authority
Schedule 7A Clause 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	MIS	Where Council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	MIS	Duty of Council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	MPB, MDP, MSP, EOPS, EOSP, PMSP, SPO, TLPO, PO, BSO	Where Council is not the planning authority and the amendment affects land within its municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

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

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



<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r7	Power to enter into a written agreement with a caravan park owner	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r10	Function of receiving application for registration	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO, BOPS	
r 11	Function of receiving application for renewal of registration	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO, BOPS	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 12(4) & (5)	Duty to issue certificate of registration	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 14(1)	Function of receiving notice of transfer of ownership	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 14(3)	Power to determine where notice of transfer is displayed	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 15(1)	Duty to transfer registration to new caravan park owner	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 15(2)	Duty to issue a certificate of transfer of registration	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 17	Duty to keep register of caravan parks	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 18(6)	Power to determine where certain information is displayed	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 22(2)	Duty to consult with relevant emergency services agencies	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 25(3)	Duty to consult with relevant floodplain management authority	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 26	Duty to have regard to any report of the relevant fire authority	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 41(4)	Function of receiving installation certificate	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DCOM, MCW, EOSC, EHO, EPHL, SCPL, CSCO	
Schedule 3 clause 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	DSED, MCW, EOSC, EHO, EPHL, SCPL, CSCO	

<b>RESIDENTIAL TENANCIES REGULATIONS 2021</b>			
<b>Column-1</b>	<b>Column-2</b>	<b>Column-3</b>	<b>Column-4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch-4-cl 3(a)(iii)	Power to approve any other toilet system	EHO	

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

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

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

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

*For the purposes of these conditions:*

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

**A - Objections**

The application has received more than 10 objections.

**B - Major development**

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

**C - Call in by relevant Ward Councillor**

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

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

**D- Call out by relevant Ward Councillor**

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

**E - Summer recess and emergency delegations**

The power to determine any application normally determined by Council under Conditions A and B is delegated to the Director Planning, Design and Development and the Manager Planning and Building during the following periods:

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

Before determining any application under this condition, the Director Planning, Design and Development or Manager Planning and Building must consult with the relevant Ward Councillor about the recommendation. The relevant Ward Councillor may call in the application in accordance with Condition C.



## **7.6 Appointment of Authorised Officers under the Planning and Environment Act 1987**

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RESPONSIBLE OFFICER      Director Corporate Services

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### **SUMMARY**

This report provides for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 313 of the *Local Government Act 2020*.

### **RECOMMENDATION**

#### ***That Council***

- 1. Formally appoint the officers referred to in the Instrument of Appointment and Authorisation included at Attachment 1 to the report as an Authorised Officer, pursuant to Section 147 (4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020.***
- 2. Request that the Instrument of Appointment and Authorisation be signed and sealed by the Chief Executive Officer.***
- 3. Note that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it .***

### **DISCLOSURE OF CONFLICTS OF INTEREST**

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 appoint the officers referred to in the Instrument of Appointment and Authorisation as an Authorised Officer.

### **RELATED COUNCIL DECISIONS**

The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (the Instrument) was last authorised by a resolution of Council on 7 December 2021.

## **BACKGROUND**

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

The Instrument has been reviewed as a number of updates are required due to staff changes. The officers included in the Instrument have been identified in consultation with the relevant departments.

## **STRATEGIC LINKS**

The appointment of Authorised Officers is an administrative exercise that is provided for in legislation.

## **CONSULTATION**

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

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from the appointment of an Authorised Officer.

## **KEY ISSUES**

The Instrument has been prepared for Council's consideration based on advice from Maddocks Lawyers Authorisations and Delegations Service. The Instrument:

- Appoints the officers named to be Authorised Officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- Authorises the officers generally to institute proceedings for offences against the Acts and regulations.

It should be noted that section 147(4) of the *Planning and Environment Act 1987* only allows Council to appoint its employees as authorised officers. The Instrument therefore only seeks to appoint an "officer or employee" of Council as an authorised officer.

Maddocks recommend that the appointment of Authorised Officers under the *Planning and Environment Act 1987* requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 313 of the *Local Government Act 2020*).

### ***Environmental Impacts***

There are no direct environmental impacts associated with the appointment of an Authorised Officer.

### ***Social Impacts***

There are no direct social impacts associated with the appointment of an Authorised Officer.

### ***Economic Impacts***

There are no direct economic impacts associated with the appointment of an Authorised Officer.

### ***Risk Assessment***

The Instrument referred to within this report has been prepared based on current advice provided by Maddocks to ensure that Authorised Officers are properly appointed.

## **CONCLUSION**

Council to formally appoint the officers listed in the Instrument as an Authorised Officer pursuant to Section 147 (4) of the *Planning and Environment Act 1987* and Section 313 of the *Local Government Act 2020*. The Instrument will be signed and sealed by the Chief Executive Officer.

## **ATTACHMENTS**

- 1 S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)[📄](#)



**Yarra Ranges Shire Council**

**Instrument of Appointment and Authorisation**  
***(Planning and Environment Act 1987 only)***

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### Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "officer" means -

<b>Marcella Simone</b>	Planning & Rebuilding Coordinator	<b>Yogita Rijal Malla</b>	Senior Planning Officer
<b>Katherine Baltas</b>	Senior Planning Officer	<b>Caz Elliott</b>	Senior Subdivisions Officer
<b>Katie Douglas</b>	Executive Officer Planning Services	<b>Damian Closs</b>	Manager Strategic Projects
<b>Susan Hartley</b>	Senior Planning Officer	<b>Claudette Fahy</b>	Project Manager Strategic Planning
<b>Nathan O'Shaughnessy</b>	Senior Planning Officer	<b>Kris Hansen</b>	Senior Strategic Planning Officer
<b>Anita Collingwood</b>	Planning Officer	<b>Deborah Willis</b>	Strategic Planning & Info Project Officer
<b>Virginia McCallum</b>	Planning Compliance Audit Officer	<b>Ben Champion</b>	Senior Strategic Planner
<b>Thushari Wollbrandt</b>	Planning Officer	<b>Darren Bailey</b>	Executive Officer Development Compliance & Prosecutions
<b>Tracey Pascoe</b>	Team Leader Planning Services	<b>John Harrison</b>	<b>Building and Planning Compliance Officer</b>
<b>Steven Dempsey</b>	Team Leader - Development Compliance	<b>Murray Eva</b>	Building Inspector
<b>Jo Oldland</b>	Environment Assessment Officer	<b>Kevin Johnstone</b>	Building and Planning Compliance Officer
<b>Errin Smitka</b>	Environment Assessment Officer	<b>Robert Forsyth</b>	Building and Planning Compliance Officer
<b>Adam Rossimel</b>	<b>Team Leader Planning Services</b>	<b>Philip Knight</b>	Senior Planning Officer
<b>Magdaline Loizou</b>	Senior Planning Officer	<b>Viesha Lalic</b>	Senior Planning Officer
<b>Joanna Lebbink</b>	Biodiversity Offsets Officer	<b>Naveen Potti</b>	Senior Planning Officer
<b>Jason Chu</b>	Planning Officer	<b>Amanda Smith</b>	Coordinator Biodiversity Conservation
<b>Dylan Holmes</b>	Planning Officer	<b>Gaby Hilty</b>	Environment Assessment Officer
<b>Nicole Baboucek</b>	Environment Assessment Officer	<b>Taylor McNeill</b>	Subdivision Officer
<b>Jane Robinson</b>	Senior Planning Officer	<b>Sam Savini</b>	Environment Assessment Officer
<b>Kath McClusky</b>	Director Planning, Design and Development	<b>Arvish Sharda</b>	Planning Officer
<b>George Avramopoulos</b>	Municipal Building Surveyor	<b>Nathan Islip</b>	Manager Design and Place
<b>Andreas Zimmermann</b>	Deputy Municipal Building Surveyor	<b>Lauren Stewart</b>	Building and Planning Compliance Officer

## ATTACHMENT 1. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

<b>Kate Campbell</b>	Pool and Spa Audit Officer	<b>Robert Flynn</b>	Deputy Municipal Building Surveyor
<b>Georgia Collier</b>	Planning Officer	<b>Lawrie Slagter</b>	Deputy Municipal Building Surveyor
<b>Apeksha Malhotra</b>	Strategic Planner	<b>Ciara O'Neill</b>	Planning Officer
<b>Harry Hansen</b>	<u>Planning Officer</u>	<b>Alison Fowler</b>	Executive Officer Strategic Planning
<b>Matthew Viera</b>	Planning Officer	<b>Gavin Crawford</b>	Principal Planner - Major Projects
<b>Amanda Kern</b>	Manager Planning and Building	<b>Max Loughbrough</b>	Planning Officer
<b>Lauren Richardson</b>	Executive Officer Planning Services	<b>Rhiannon Biezen</b>	<u>Planning Officer</u>
<b>Peter Whebell</b>	Team Leader Planning Services	<b>Simon Ilsley</b>	Team Leader Major Projects
<b>Nadine Harvie</b>	Building and Planning Compliance Officer	<b>Ronald Versteegh</b>	Building and Planning Compliance Officer
<b>Alexia Paterson</b>	Principal Planner	<u>Brendan Ryan</u>	<u>Planning Officer</u>
<u>David Lyall</u>	<u>Senior Planner</u>	<u>Grant Trenwith</u>	<u>Planning Officer</u>
<u>Mindy McCubbin</u>	<u>Senior Planner</u>	<u>Hannah Elliot</u>	<u>Strategic Planner</u>

**By this instrument of appointment and authorisation, Yarra Ranges Shire Council -**

- under section 147(4) of the Planning and Environment Act 1987, appoints the officers to be authorised officers for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
- under section 313 of the Local Government Act 2020, authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument –

- comes into force immediately upon its execution and remains in force until varied or revoked;
- replaces and subsequently revokes any previous Instruments of Appointment and Authorisation to the members of Council staff named above; and
- must not be exercised in a manner which is inconsistent with legislation and the Council's policies and procedures.

This instrument is authorised by a resolution of the Yarra Ranges Shire Council on 10 May 2022.

The COMMON SEAL of YARRA )  
 RANGES SHIRE COUNCIL was )  
 hereto affixed on / / )  
 in the presence of Tammi Rose, )  
 Chief Executive Officer. )

.....  
**Tammi Rose**  
**Chief Executive Officer**

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**COMMUNITIES**

No. of Pages – 7

**7.7 2023 Grants for Community Initiation Report**

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**RESPONSIBLE OFFICER** Director Communities

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**SUMMARY**

Council is committed to partnering with the community through grant funding to encourage, support and sustain diverse community initiatives.

Grant programs support the delivery of Council's strategic objective of "*Connected and Healthy Communities*." Funding opportunities also deliver vital resources to support community-led recovery through building community connection and facilitating strong, resilient communities.

This report outlines the 2023 Grants for Community Program, due to open on 1 June 2022 and includes the program guidelines, selection criteria and highlights proposed assessment panel members.

Insights from the 2022 Grants for Community Program, and engagement during the COVID-19 pandemic and post June 2021 storm events, have informed the 2023 round. This approach aims to ensure the grant program remains responsive to community needs and opportunities.

The grants celebration event which acknowledges successful grant recipients and showcases 2022 Grants for Community projects, is scheduled to occur in December.

**RECOMMENDATION*****That Council***

- 1. *Endorse the 2023 Grants for Community Program, including guidelines and selection criteria.***
- 2. *Note that total funding pool is \$500,000 allocated as follows:***
  - (a) *\$125,000 to Festivals and Events.***
  - (b) *\$125,000 to Arts and Heritage.***
  - (c) *\$250,000 to Community Development.***
- 3. *Note the proposed panel members and assessment process for this round.***

## **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**

Council makes a strategic, impact driven community investment through its grant programs. The Grants for Community program empowers not-for-profit community, cultural and heritage groups, and individual artists, to seek funding for projects which contribute to positive health and wellbeing outcomes.

Projects which improve mental and physical health to enable community-led recovery from COVID-19 and support social connection and engagement in COVID safe ways will be encouraged.

This report presents the 2023 guidelines and selection criteria, budget, and the proposed panel members for the *Grants for Community* program, for Council endorsement.

## **RELATED COUNCIL DECISIONS**

Several past Council decisions relate to this report:

- The 2020-21 budget endorsed in 2020 included an additional \$100,000 for Grants for Community. In 2020 this was directed to COVID Relief and Recovery grants and quick release grants of up to \$5,000 were delivered to projects in line with the COVID Recovery Framework. Grants were awarded to both cultural and community development projects; and
- Council endorsed a Grants Policy in May 2020 which provides high level guidance to its grant making.

## **BACKGROUND**

The Grants for Community Program supports local community groups and creatives to implement projects resourced with Council funding. The guidelines aim to foster mental and physical wellbeing, increase social connection, and facilitate cultural and heritage development. This dedicated funding is a powerful tool that enables grassroots communities to access valuable resources to respond to local issues. Outcomes realised are often creative, innovative and build resilience, social engagement, capacity, leadership, and community independence.

It is estimated that for every dollar Council contributes, grants leverage four dollars of community investment through volunteer inputs, other funding and in-kind community contributions. More than ever, creating opportunities to leverage resources and collaboration are important as communities re-emerge, post COVID, and re-gain confidence.

The 2023 Grants for Community program has three streams:

- **Arts and Heritage** - provides opportunities for the community to express, tell stories, connect with one another, and contribute to a sense of creativity, identity, and wellbeing;
- **Festivals and Events** - supports community groups to deliver activities that enhance local culture, celebrate community spirit, and contribute to the liveability of Yarra Ranges; and
- **Community Development** - focuses on people, building community capacity around the principles of respect, equality and locally led responses to needs and opportunities.

### ***Building capacity in communities***

Complementary to grant funding is the annual skills building program. The program is designed to develop the capacity of community groups through free practical workshops. Curriculum is informed by participant feedback and through consultation with community groups, volunteers, and advice from Council officers. “Project Planning and Design,” “Effective Grant Writing” and “Child Safe Standards” workshops are scheduled for April, May and July 2022.

## **STRATEGIC LINKS**

The Grants for Community program supports Council’s strategic objective to create “*Connected and Healthy Communities*”. The program achieves positive outcomes aligned with Council goals and objectives in the following strategies, plans and policies:

- Health and Wellbeing Strategy;
- Creative Communities Strategy;
- Equity Access and Inclusion Strategy;
- Child and Youth Strategy;
- Healthy and Active Ageing Plan;
- Liveable Climate Plan;
- Draft Recreation and Open Space Strategy; and
- Reconciliation Framework for Action and Reconciliation Policy.

Grants for Community also contributes to addressing the requirements of the *Gender Equality Act 2020* through promoting and encouraging a gendered lens in funded projects.



## CONSULTATION

Grant applicants and Panel members from the 2022 round were consulted to capture their observations of the process, any key lessons and general feedback. This informed refinements of the 2023 round. Council officers from multiple departments helped refresh the Grants for Community guidelines and criteria, with a particular lens on the needs of communities post COVID-19 and storm events.

Key Council officers host drop-in meetings and networking sessions for each round of grants. Online grant information sessions are also scheduled in May, encouraging participation from across Yarra Ranges. These opportunities aim to develop skills and expertise in grant seeking, designing projects or activities, managing community organisations and acquitting grant funding.

## FINANCIAL IMPLICATIONS

The proposed budget allocation for the 2023 Grants for Community program, based on the 2022-2023 allocation is:

- \$125,000 Arts and Heritage;
- \$125,000 Festivals and Events;
- \$250,000 Community Development.

This represents a modest reduction from the allocation of \$525,000 in the 2022 program. The reduction is due to the experience of reduced applications and reduced delivery over the past two years, together with availability of funding through Regional Recovery Committees for recovery initiatives.

## KEY ISSUES

The key issues addressed in this report relate to the 2023 Grants for Community selection criteria, budget and assessment process. Grants support several strategic objectives articulated by Council in its policies and strategies to meet community need and build strong communities.

### ***Environmental Impacts***

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

### ***Social Impacts***

A high percentage of projects supported by the Grants for Community program have wide ranging social impacts. Projects can build community connections, strengthen cultural expression and support activities that nurture the overall health and wellbeing of local communities. Increased social inclusion delivers diverse benefits across grant categories, from arts and heritage projects, through to disability, reconciliation, and inclusion projects.

### ***Grants for Community and Recovery***

Council's understanding is that the most powerful assets in recovery from emergencies lie within communities. The grants criteria offer significant scope for applications focused on community-led recovery projects, for example applications which focus on building mental and physical health and wellbeing, support strong and sustainable community connections and promote thriving local places. These will be encouraged and are prioritised in the criteria this year.

### ***Economic Impacts***

Grants can have positive impacts on local economies, with events and festivals generating significant economic stimulation and raising the profile of local areas. With many such events cancelled or re-purposed in 2020/21 due to COVID-19, re-designed events that support local economies can again offer much to the recovery process.

Grants can leverage volunteer contributions and resources through other funders. Grant applicants are encouraged to "buy local first" when procuring goods and services, in line with Council's Grants Policy.

### ***Risk Assessment***

Risks associated with grant making require consideration of fair and proper processes, sound record keeping, transparent and ethical decision making and adherence to the *Local Government Act 2020*. The adoption of two Assessment Panels with independent, community representation, to assess and make funding recommendations to Council, is a well-regarded practice to ensure integrity of the process.

### ***The Assessment Panel Process***

Community members are invited to sit on one of two panels: Creative Communities and Community Development. The aim is to have diversity of representation. A Council Officer, independent to the grants process, is included on each panel to provide expertise and objective input. The Council's role as the final decision maker then concludes the governance process for the program.

Proposed panel members are:

- Selected based on their skill set, community knowledge and grant experience;
- Supported in their role through an information session and access to officer support;
- Required to sign both a Terms of Reference and Conflict of Interest form and required to remove themselves from assessing and discussing applications where there is a perceived or actual conflict of interest.

Panel members attend a briefing session to discuss their role and receive support material prior to completing their independent assessments online. The Panels then meet to discuss each project collectively, reach consensus and finalise the list of project funding recommendations for Council endorsement.

The assessment process is extensive and time consuming. As such, an honorarium and small gift of appreciation is offered to external, volunteer panellists in recognition of their contribution. Council officers do not receive this.

Two groups of potential assessment panel members are presented in this report. It is proposed that panel members will be confirmed prior to the grant round closing. On occasion, panel members need to withdraw from the process and replacement members found. Yarra Ranges is fortunate in having a strong pool of potential members to draw on when this occurs.

*Proposed Community Development Panel*

<b>Proposed Panel Member</b>	<b>Skills and Experience</b>	<b>Geographic Area</b>
Mike O'Meara	Kilsyth Community Planning Group (Chair) Government grant-making experience Experienced panel member	Urban
Ethne Pfeiffer	Healesville Community Garden (President) Grant-making experience 2021 Grants for Community panel member	Valley
Hannah Mahoney	Council's 2018 Young Citizen of the Year Yarra Ranges Council placement student 2021 Grants for Community panel member	All
Vicki Harrison	Seville Community House (Manager) Neighbourhood House Network 2020 Grants for Community panel member	Upper Yarra
<b>Council Panel Members</b>	<b>Skills &amp; Experience</b>	<b>Geographic Area</b>
Rakhi Khanna	Team Leader – Playgroup, Early Years Community Support. Understanding of conflict of interest principles and Council grant processes	All

*Proposed Creative Communities Panel*

<b>Proposed Panel Member</b>	<b>Skills &amp; Experience</b>	<b>Geographic Area</b>
Jacqui Buckland	Upwey Community Group Township Network (Grants assessor) Foothills Festival/Grassroots Market coordinator Local government grants experience	Hills
Nicholas Pappas	Multi-disciplinary performance-maker/director Experienced panel member	All
Anne Tuohey	Experienced Philanthropic Grants Manager Experienced panel member Member, YAVA Community Arts Hub	All

	Member, Healesville CoRE	
Youth Representative	Expression of Interest process underway	TBC
<b>Council Panel Members</b>	<b>Skills &amp; Experience</b>	<b>Geographic Area</b>
Samantha Piper	Indigenous Cultural Safety Officer	All

## CONCLUSION

The 2023 Grants for Community program is Council's platform for funding community-led projects that support social inclusion, the arts, cultural development, heritage projects, community capacity building, health and wellbeing, and other community driven activities.

The program addresses strategic issues for Yarra Ranges through harnessing and supporting the ingenuity, creativity, responsiveness, and commitment of communities. Sound governance ensures ethical and transparent decision-making which provides confidence to both Council and the community.

Capacity building and training throughout the year supports grant seekers and enhances their ability to develop and implement successful community projects.

It is proposed the 2023 Grants for Community round open on 1 June 2022 and close on 15 July 2022, with recommendations to a Forum briefing in September 2022 and Council meeting in October 2022.

The report seeks formal endorsement of the program and budget.

## ATTACHMENTS

- 1 2023 Grants for Community - Selection Criteria (Arts & Heritage)[↓](#)
- 2 2023 Grants for Community - Selection Criteria (Festivals & Events)[↓](#)
- 3 2023 Grants for Community - Selection Criteria (Community Development)[↓](#)
- 4 2023 Grants for Community - Program Guidelines[↓](#)



## Overview

The Grants for Community program is part of Yarra Ranges Council's contribution to creating a connected and inclusive community. It supports local groups, not-for-profit organisations and individuals to lead projects that identify and respond to community concerns and aspirations with confidence and creativity.

Arts and Heritage projects provide an opportunity for community to express themselves in diverse ways, connect with each other and to the place they live. Participation in cultural activity contributes to community sense of creativity, identity, social connection and wellbeing.

This funding stream supports groups and individuals to deliver projects that develop and express the Yarra Ranges' diverse cultural heritage and creative practice. Projects will foster opportunities for the community to experience and participate in arts, culture and heritage.

## Project Outcomes

Projects funded under this stream should contribute to at least one of the following outcomes:

- Facilitate a deep understanding of local people, history and culture
- Develop broad knowledge of Indigenous history, continuity and culture in Yarra Ranges
- Develop community leaders to help shape our diverse cultures
- Ensure public visibility of contemporary and historical Indigenous culture
- Make visible the cultural, historical and artistic diversity of the region within townships

Projects funded under this stream should contribute to the following strategic priorities:



The selection criteria reflect strategic priorities of Council that are based on local evidence and engagement with communities. For more information, please refer to the Grants for Community Guidelines. For Arts & Heritage enquiries please contact our [Cultural Development Officer](#) or call 1300 368 333.

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**Yarra Ranges**  
*together!*







## 2023 GRANTS FOR COMMUNITY Arts and Heritage

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### Selection Criteria

Applications will be assessed against the desired outcomes and priorities for the Arts and Heritage Stream and following criteria:

#### Community benefit

30%

- Deliver a high quality project and contributes to the cultural richness of the region
- Utilise public places creatively
- Interpret and reflect the distinctive stories and heritage of the region
- Enhance community capacity to drive arts and heritage activity in the region
- Extent to which the application will contribute towards Council strategic priorities

#### Organisational capacity

25%

- Demonstrate capacity to deliver the program or service, including evidence of strong governance (transparent, documented policies) and a well-defined project plan
- Demonstrate capacity to deliver the project including experience, people and resources
- Include clear measures of success

#### Partnership and collaboration

25%

- Provide an opportunity for community to participate in high quality arts, heritage and cultural activity
- Seek creative collaborations with community, artists, heritage practitioners and other groups
- Provide evidence of community consultation, where appropriate

#### Budget

10%

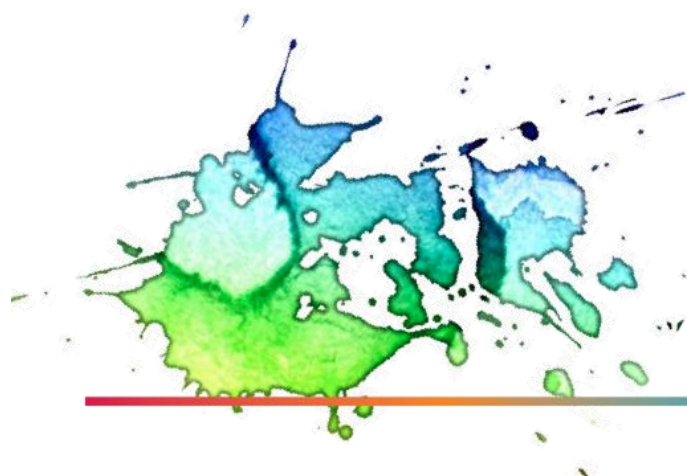
- Include a clear and well documented budget
- Be achievable within the proposed budget
- Have funding and/or in-kind support from other sources<sup>1</sup>

#### Inclusion

10%

- Demonstrate consideration for inclusion principles, specifically including culturally and linguistically diverse groups, gender diversity and people living with a disability.

<sup>1</sup> Please indicate in your budget if you have applied for other funding and mark whether the funding is confirmed.





## Overview

The Grants for Community program is part of Yarra Ranges Council's contribution to creating a connected and inclusive community. It supports local groups, not-for-profit organisations and individuals to lead projects that identify and respond to community concerns and aspirations with confidence and creativity.

Festivals and events provide an opportunity for community to celebrate their unique identity and contribute to the creativity and cultural diversity of the region. They build social connection through sharing knowledge and experience.

The Festival and Events funding stream supports groups and organisations to deliver activities that enhance local culture, celebrate community spirit and contribute to the liveability of Yarra Ranges.

## Project Outcomes

Grants funded under this stream should contribute to at least one of the following outcomes:

- Greater and meaningful participation from community in shaping events at all stages of delivery
- Delivery of creative community events that engage multiple partners and help to develop community leaders
- Make visible the cultural, historical and artistic diversity of the region by the activation of townships

**Mandatory:** Delivery of safe, compliant events with minimal environmental impact

Grants funded under this stream should contribute to the following strategic priorities:



The selection criteria reflect strategic priorities of Council that are based on local evidence and engagement with communities. For more information, please refer to the Grants for Community program guidelines. For Festival & Event enquiries please contact our [Festivals and Events Officer](#) or call 1300 368 333.

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## 2023 GRANTS FOR COMMUNITY Festival and Events

Create a vibrant  
Yarra Ranges  
*together!*



### Selection Criteria

Applications will be assessed against the desired outcomes and priorities for the Festival and Events stream and following criteria:

#### Community benefit

30%

- Deliver a high quality event and contributes to the cultural richness of the region
- Utilise public places creatively
- Exhibit unique characteristics that identify with the region, and draw on the skills and talents of local residents
- Extent to which the application will contribute towards Council strategic priorities

#### Organisational capacity

25%

- Demonstrate capacity to deliver the program or service, including evidence of strong governance (transparent, documented policies) and a well-defined project plan
- Have evidence of an established and dedicated community group, committee or membership base to deliver the festival/event
- Include clear measures of success

#### Partnership and collaboration

25%

- Demonstrate strategic partnerships and evidence of community consultation, where appropriate
- Provide an opportunity for community to participate in festivals and events
- Build partnerships and creative collaborations with community, artists, and other groups

#### Budget

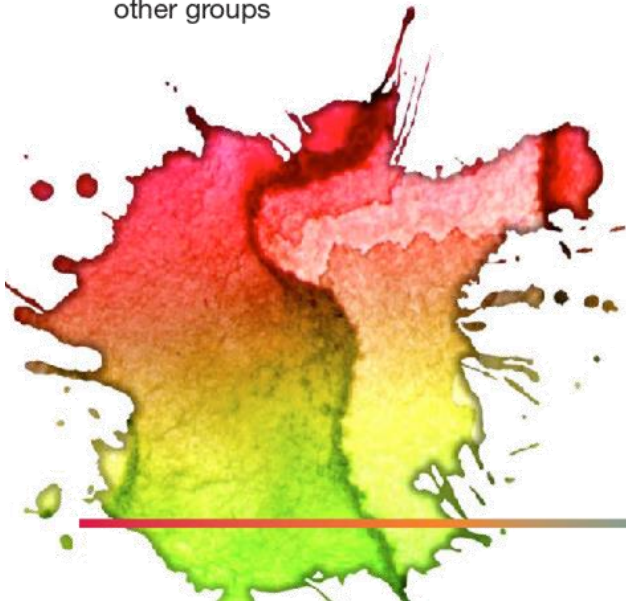
10%

- Include a clear and well documented budget
- Be achievable within the proposed budget
- Have funding and/or in-kind support from other sources

#### Inclusion

10%

- Demonstrate consideration for inclusion principles, specifically: people living with a disability, culturally and linguistically diverse groups, gender diversity.



## 2023 GRANTS FOR COMMUNITY



# Community Development Stream

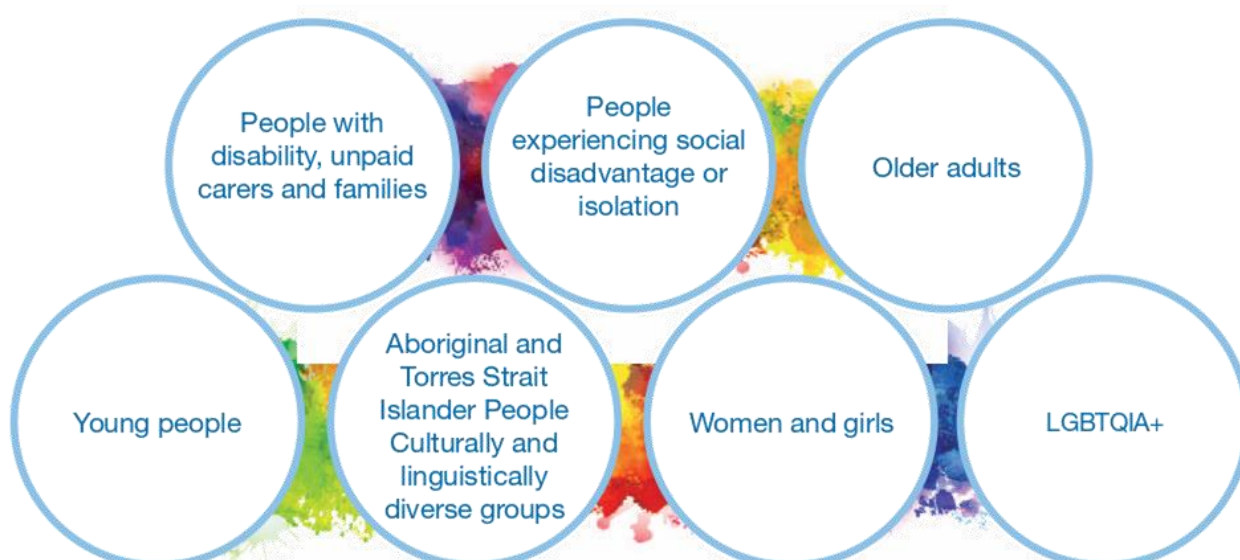
## Overview

The Grants for Community program is part of Yarra Ranges Council's contribution to creating a connected and inclusive community. It supports local not for profit groups and organisations to lead projects that identify and respond to community concerns and aspirations with confidence and creativity.

Community development describes a way of working that is people focused and builds communities around the principles of justice, equity, inclusion and mutual respect.

It starts with the notion that within any community there is a wealth of knowledge and experience which, if used in creative and empowering ways, can be channelled into projects that achieve exciting outcomes and positive change.

This includes initiatives that focus on the needs of priority populations, particularly:



The selection criteria in this funding stream reflect the strategic priorities for Council around increasing the health and wellbeing of communities.

For community development enquiries please contact our

[Urban Community Development Officer](#)

[Valley Community Development Officer](#)

[Hills Community Development Officer](#)

[Upper Yarra Community Development Officer](#)

For enquiries about disability access and inclusion please contact our [Disability Inclusion Officer](#) or call 1300 368 333

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## 2023 GRANTS FOR COMMUNITY Community Development Stream

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The following areas reflect key Council priorities.  
Preference will be given to projects that address one of the following focus areas.

### Health and Wellbeing

As we start to recover from the COVID 19 pandemic this category aims to foster connected and healthy communities through projects which target pillars for community recovery:

- Build and enable mental wellbeing
- Promote and support positive physical health
- Support strong and sustainable social connections
- Nurture thriving local communities

Priority will be given to applications that address one or more of the following:

- Yarra Ranges residents have the capacity to consume healthy food, built on a sustainable food system that provides access to healthy, affordable food for all. *e.g. Projects that support people to eat healthy food*
- Yarra Ranges residents experience positive mental health, and have equal access to support services and referral pathways *e.g. Projects that promote increased social connection and wellbeing particularly for people who may more vulnerable or isolated.*
- Yarra Ranges residents are physically active and can participate in a range of inclusive, physical activities. *e.g. Projects that encourage low cost, inclusive activities such as walking.*
- Women and children live free from abuse and violence through a culture of gender equity and respect. *e.g. Projects that seek to challenge gender stereotypes and build respect and inclusion.*
- Yarra Ranges residents belong to, and participate equally, in inclusive communities. *e.g. Projects that increase participation of people with disability, people from diverse cultural backgrounds and LGBTQIA+ community members.*

- Yarra Ranges residents are safe from the harmful effects of alcohol and other drugs *e.g. Projects that prevent at risk behaviour in community settings, such as excessive alcohol consumption.*
- Yarra Ranges residents are engaged in community-led social recovery from extreme weather events and community-led disaster preparedness *e.g. Projects that strengthen social cohesion and/or increase knowledge, skills, planning and networks to build disaster resilience*

Applicants can find out more by exploring Council's Health & Wellbeing Strategy [here](#).

Council has specifically highlighted the above goals as they reflect the most significant preventable causes of poor health and wellbeing in Yarra Ranges. Projects in these priority areas have potential to improve health and wellbeing and to respond to health and social impacts of public health emergencies.

### Environment

This category is designed to support ideas that engage and empower the community in environmental sustainability at the local level.

Priority will be given to applications that address one or more of the following objectives:

- Encourage those who live and work in the Yarra Ranges region to act as environmental stewards
- Involve communities in protecting native plants, animals and their habitats
- Improve and protect the region's iconic places and their natural character
- Improve resilience of communities in the face of changing climate and extreme events
- Protect and preserve Yarra Ranges water resources



## Reconciliation

Council is committed to the ongoing process of Reconciliation. This category is designed to strengthen the relationships between our Indigenous and non-Indigenous communities.

Priority will be given to applications that address one or more of the following objectives:

- Celebrate and protect Aboriginal and Torres Strait Islander culture and heritage
- Break down stereotypes and discrimination
- Increase understanding of Indigenous ways of knowing, being and doing
- Enhance community driven initiatives that contribute to community wellbeing, economic participation and cultural strengthening.

## Young People

This category provides funding opportunities for young people or groups working with people between the ages of 12-25 years.

Youth-led projects or projects co-designed with young people will be considered favourably. Priority will be given to applications that address one or more of the following objectives:

- Increased access to and understanding of youth mental health supports
- Increased community connections for young people and promotion of spaces welcoming to young people
- Promote greater opportunities for young people to actively engage in their community and have a voice in decision-making *e.g. opportunities for young people to participate or take action towards environmental conservation*
- Improved access to cultural, social and recreational activities including consideration of gender equity and intersectionality *e.g. activities or programs that showcase and empower young women with disability in sports*

- Strengthen respectful relationships and safe connections with family, friends and community with a focus on building resilience and promoting gender equality
- Increased access, skills, education and pathways to employment for young people.

**Note:** Council does not fund overnight camps for children and young people.

## Early Years, Middle Years and Families

This category is designed to encourage innovative projects that enhance the wellbeing and resilience of children and young people 0-14 years, and their families living in the Yarra Ranges.

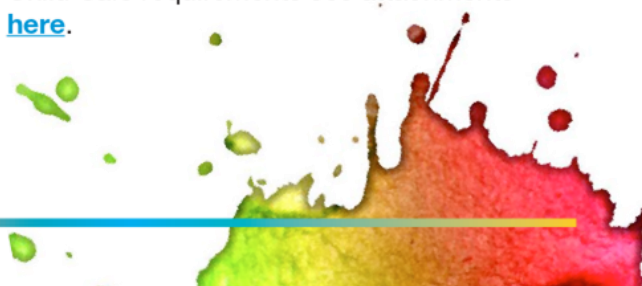
Priority will be given to applications that address one or more of the following objectives:

- Improved outcomes for children, young people and families experiencing vulnerability
- Increased and timely access for children, young people and their families to services and supports that enhance wellbeing and promote resilience
- Children, young people, and their families have greater access to culturally safe and appropriate services.
- Promote greater opportunities for children, young people and families to actively engage in their community and have a voice to inform decision making and co-design.

**Note:** Child Safe Standards compliance is essential.  
Council does not fund overnight camps for children and young people.

For more information about Child Safe Standards see [here](#).

For more information about Council Grants Child Safe requirements see attachments [here](#).





## 2023 GRANTS FOR COMMUNITY Community Development Stream

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### Selection Criteria

Applications will be assessed against the desired outcomes and priorities for the Community Development Stream and following criteria:

#### Community benefit

30%

- How the project responds to demonstrated community need/s
- Demonstrates an alignment with one or more Council key strategies or priorities
- Backed by evidence (data, letters of support) where appropriate
- Identifies short or medium term impacts of the initiative

#### Partnership and collaboration

25%

- Demonstrates strategic partnerships between existing and new groups, or across sectors
- Includes evidence of community engagement in project design and delivery
- Harnesses volunteer effort and builds community capacity

#### Organisational capacity

25%

- Demonstrates capacity to effectively deliver the program or service, including evidence of strong governance (transparent, documented policies) and a well-defined project plan
- Clear measures of success are outlined

#### Budget

10%

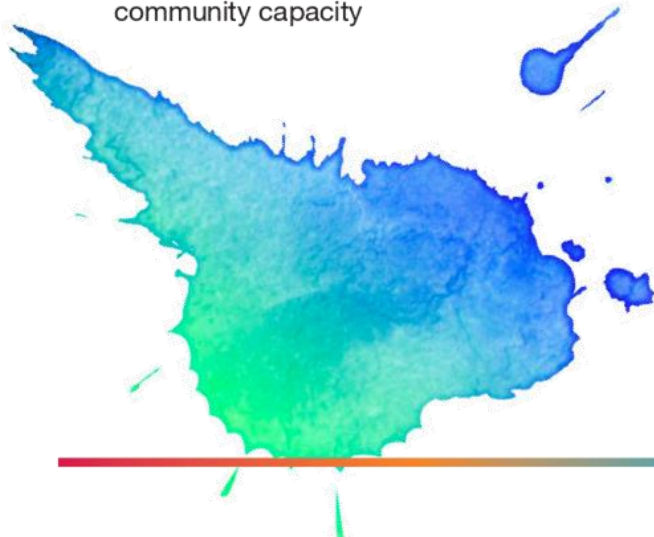
- Includes a clear and well documented budget
- Project is achievable within the proposed budget
- Project has funding and/or in-kind support from other sources, including a contribution from the applicant<sup>1</sup>

#### Inclusion


10%

- Demonstrates consideration for inclusion principles, specifically including culturally and linguistically diverse groups, gender diversity and people living with disability.

<sup>1</sup> Please indicate in your budget if you have applied for other funding and mark whether the funding is confirmed.







# Grants for Community Program 2023 Guidelines

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# 1. Acknowledgement

Yarra Ranges Council respectfully acknowledges the traditional owners, the Wurundjeri people, as the custodians of this land. We pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of the region.



## 2. Introduction

### Yarra Ranges Council welcomes you to the 2023 Grants for Community program guidelines.

The annual Grants for Community program is one of four grant programs Council delivers to help achieve a connected and healthy Yarra Ranges.

Grants for Community are a powerful way of responding to local needs and delivering outcomes that Council, on its own, may not be able to achieve. The Grants for Community program does this through leveraging local knowledge, nurturing networks between stakeholders, and supporting organisations well placed to promote community wellbeing.

To be successful, applicants need to meet the eligibility requirements, demonstrate a strong alignment with Council's adopted strategies, fulfil the selection criteria and demonstrate a willingness to work collaboratively.

**Applicants can apply for up to \$10,000. The total funding pool available is \$500,000.**

The next Grants for Community funding round will open online on 1 June 2022 for projects and events being delivered in 2023.

## 3. Key Dates

<b>Grant round opens</b>	1 June 2022 <a href="http://yarraranges.smartygrants.com.au">yarraranges.smartygrants.com.au</a>
Online Grant Information Sessions (Valley, Hills, Urban & Upper Yarra)	May 2022
<b>Applications close</b>	15 July 2022 at 3pm
Funding announcements made	October 2022
Grant celebration/networking event (subject to COVID-19 restrictions)	December 2022
Grants paid	30 days after funding agreement is returned
Grant projects commence	1 January 2023

## 4. Grant Categories and Priorities

The Grants for Community program provides funding in each of the following categories:



### 1. Festival and Events



### 2. Arts and Heritage



### 3. Community Development:

- Health and Wellbeing
- Environment
- Reconciliation
- Young People
- Children and Families

## 5. Speak to a Council Contact

Applicants are required to have a meaningful conversation with a relevant Council Officer about their application before submission. Officers are able to provide insights, tips and suggestions on project proposals.

Contact details of Council Officers can be found in both the Key Documents and Contacts section of these guidelines and Selection Criteria documents for each funding stream.

### 2022 Successful Grant Recipients

Applicants are encouraged to view last year's successful grants to see the range of projects funded and realistic grant allocation amounts.

A list of funded 2022 projects is available [here](#)

## 6. Eligibility Criteria

Applicants need to meet the following eligibility requirements. Please note that ineligible applications will not be assessed.

### 6.1 What we can fund (eligible)

- Incorporated not-for-profit community groups\* with an ABN are eligible to apply. If you are an unincorporated not-for-profit community group (or an individual artist who contributes to our creative communities) you must have your application auspiced by an eligible incorporated not-for-profit organisation
- Organisations, community groups and artists applying for a grant must demonstrate how their project will directly benefit residents of the Yarra Ranges. The project must also have a clear Yarra Ranges focus. Organisations based outside the region can apply with this in mind.
- Applicants must commit to obtaining all necessary permits related to the funded activity, particularly for festivals.
- Applicants must have successfully completed all reporting requirements for previous Yarra Ranges Council grants and have no outstanding debts with Council. If unsure, please contact the Grants Team.
- Applicants must provide evidence of adequate public liability insurance.
- Child Safe Standards compliance is required if projects involve direct or incidental contact with children.
- Applicants agree to acknowledge funding from Yarra Ranges Council in promotion, consistent with branding guidelines.
- Applicants must consent to providing evidence of how funds were spent and outline project benefits through an acquittal process.
- The grant activity must take place during 2023.
- Applicants must submit all supporting material when applying. Given the competitive nature of grants, no late submission of supporting documents can be accepted.
- Consult with a Council Officer before applying.

*\* Please refer to the definition of a community group as it relates to our Grants Program in the Jargon Buster section of these guidelines.*

## 6.2 What we cannot fund (ineligible)

- A program, service or activity that is primarily considered the responsibility of State or Federal Government; for example, the core business of schools, hospitals or other services.
- Activities that take place outside the Yarra Ranges (including touring costs).
- A new building, capital works or facility maintenance works.
- Ongoing staff salaries or administration costs not specific to the project.
- Purchase of equipment only (equipment may be purchased as a small component of a broader project).
- Purchase of food associated with community relief projects.
- Activities that take place at inappropriate venues; for example, gambling venues.
- Activities that are sponsored by gambling businesses.
- Applications with the singular purpose of promoting religion.
- Training, study or academic research in Australia or overseas.
- Applications that are solely for attending forums, workshops, conferences or for organising conferences.
- Overnight camps for children and young people
- Competitions, prizes, award exhibitions or exclusively fundraising events.

Programs cannot be funded retrospectively (i.e. they cannot have already occurred).





## 7. Application Process

### 7.1 How to apply

Applications for Grants for Community can be made by completing an online application form at [yarraranges.smartygrants.com.au](http://yarraranges.smartygrants.com.au)

The form will be made available once the grant round is open.

Please ensure that applications and all supporting material are submitted by 3.00pm AEST on 15 July 2022. Submissions will not be accepted after this time.

If you have difficulty using the online application form please contact the Grants Team for assistance on 1300 368 333.

If you are having difficulty accessing your SmartyGrants or require troubleshooting support please contact SmartyGrants directly on (03) 9320 6888 or [service@smartygrants.com.au](mailto:service@smartygrants.com.au).

### 7.2 Budget

The Grants for Community program is a significant investment by Council and there are reporting requirements to account for this use of public funds.

Applicants are required to provide a budget aligned with outcomes for the project duration. Budgets need to balance and are required to demonstrate considered planning, be realistic and justified for the proposed application. Individual expense items which exceed \$500.00 require a quote.

If your organisation is registered for GST with the Australian Tax office, GST will be applied to your grant. In these cases, Council will add 10% to the grant for GST which must then be paid to the Tax Office as per usual GST processing. This GST component of payments is not part of the budget for funded projects.

### 7.3 Activity Plan

Applicants are required to outline an activity plan for the grant project. The plan for a project needs to articulate the activity and related outcomes in line with the budget, for the funded period (12 months)

### 7.4 Supporting Documentation for Applications

All applicants must upload the following supporting documents and material as part of their submission through SmartyGrants:

- Most recent Annual Report, including annual financial statement. If an application is being auspiced only an Annual Report and financial statement from the auspicating organisation is required.
- A copy of the certificate of cover of the organisation's public liability insurance.
- Evidence of partnerships, such as a letter of support (on letterhead) from individuals/organisations detailing their contributions to the project, and reports or other documents demonstrating the need and support for the project.



- Documentation to support the proposed project or evidence of previous projects and outcomes e.g. photos, videos.
- If project is auspiced, an auspicing agreement must be uploaded with the application.

### 7.5 Unincorporated Organisations & Auspice Organisations

Applicants that are not incorporated must have their application 'auspiced' by an eligible incorporated organisation.

Whilst the application is submitted by the group being auspiced, the auspicing organisation accepts responsibility for the application. Please note that information on the auspicing body will need to be provided in the application, including their ABN, financial report and contact details. The auspice organisation is legally responsible for the funds and enters into a Funding Agreement with Council.

It is important that the auspicer and group being auspiced enter into an agreement to ensure clarity around roles and expectations of each party. Grant applications can allocate a small auspicing fee as part of the application.

Please note that unincorporated groups must still demonstrate that they are established and have experience delivering similar projects.

Further information on auspicing arrangements can be found at:  
<http://www.nfplaw.org.au/auspicing>

### 7.6 Assessment and Approval

All applications undergo a pre-assessment eligibility check conducted by a Council Officer.

All eligible applications are assessed by an independent panel of community members and Council staff with subject matter expertise. Panel members review applications independently before meeting to discuss. Funding recommendations put forward during this process are then submitted to Council for approval.

Successful and unsuccessful applicants will receive formal notification. Unsuccessful applicants are encouraged to seek feedback from Council Officers.

Council reserves the right to refuse funding or provide partial funding.

### 7.7 Funding Agreement and Payment Arrangements

Funding agreements will be finalised and distributed within six weeks of Council approval. It is essential that all grant recipients and auspicing bodies enter into a funding agreement before the project commences and funds are released. Grant payments will be made within 30 days of the completed agreement being returned to Council.

Recipients are encouraged to sign and return a copy of the funding agreement by 28 October 2022.

## 8. Guiding Values

### 8.1 Good Governance

Yarra Ranges Council is dedicated to ensuring the Grants for Community program is run in a fair and transparent manner. We commit to managing an effective grants program that responds to community needs and represents good value for money. This commitment is expressed through openness to constructive feedback and a desire for continuous improvement.

We hold ourselves to a high standard of grant making and support our partners to do the same through their work. Successful grant recipients must have robust governance structures in place.

### 8.2 Child Safety Standards

The introduction of Child Safe Standards by the Victorian Government stipulates that all organisations that provide services for children or receive government funding are now covered by mandatory reporting requirements. Grant recipients that have incidental contact with children during the course of their project will be required to provide additional documentation as part of the application process.

### 8.3 Gender Wise

Yarra Ranges Council is committed to gender equity in the region and consider our partner organisations as key in pursuing this.

Women, men and gender diverse community members can face different expectations and challenges based on social conditioning and subtle biases. Consequently, when designing or delivering a project and treating all people as the same may not necessarily result in equal inclusion and impact.

It is important that grant applicants apply a 'gender lens' when drafting their application. An example of this is considering the different needs and circumstances of people of all genders within the target beneficiary group.

Further information on running gender-wise projects can be found at: [fundingcentre.com.au/help/gender-lens](https://fundingcentre.com.au/help/gender-lens). Alternatively, applicants are invited to contact Council's Gender Equity Officer on 1300 368 333 for ideas on integrating gender-aware practices into your organisation's work.

### 8.4 Environmental Impact and Sustainability

Yarra Ranges is renowned for its natural beauty and Council is committed to maintaining the health and significance of the region's environment.

All proposed projects are encouraged to incorporate activities that improve sustainable outcomes and minimise unnecessary environmental impacts. For more information or support on this please contact Council's Sustainability Officer on 1300 368 333.

### 8.5 Diverse and Inclusive

Diversity is a strength within Yarra Ranges and something the Program seeks to promote. Grant submissions from groups and individuals of all backgrounds, cultures, age groups, gender and sexual orientation are strongly encouraged.

#### Including people with diverse needs

Council is committed to increasing access and participation by people with disability in their community. Grant projects can lead the way in this. Consideration of how projects will reach out and include people with a disability is encouraged (e.g. promotion, physical access, including performers with disability.)

All grantees are encouraged to consider how their project will be accessible to people with disability or marginalised groups. For practical ideas and considerations please contact Council's Disability Inclusion Officer or Indigenous Development Officer on 1300 368 333.



## 9. Acknowledgement of Council

As with any partnership, recognition is important.

Acknowledgement of support provided by Council should be made in accordance with the Yarra Ranges Council Acknowledgement Guidelines. Successful grant recipients will be provided with further information as part of the Funding Agreement package.

## 10. Acquittal

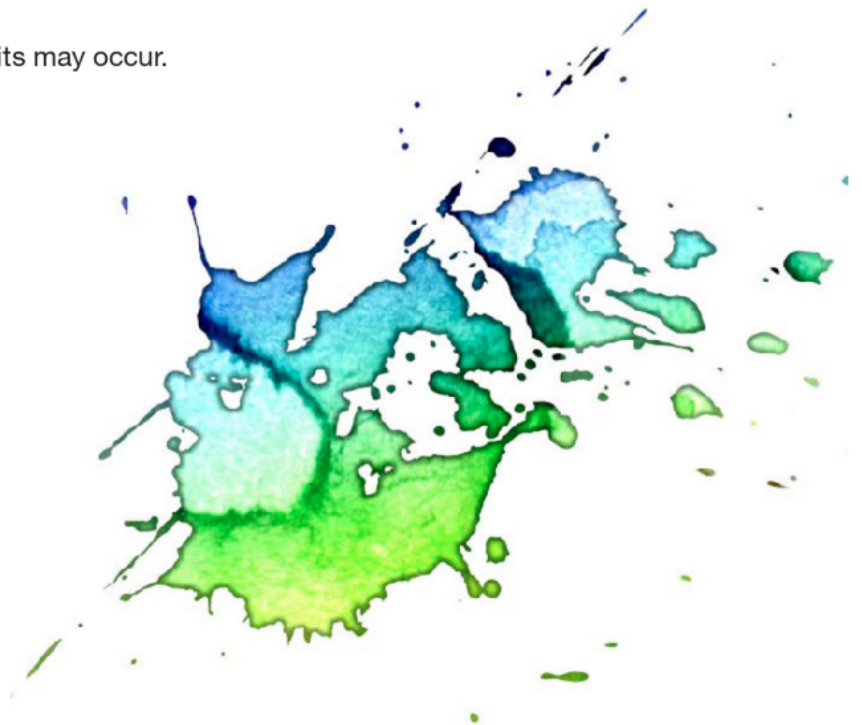
All Grants for Community program grant recipients are required to report on the success, outcomes, lessons learnt, and financial details through a final report. Any interesting stories or photographs are also welcomed!

A template will be provided by Council through SmartyGrants to support grantees with this process.

Successful recipients will be required to keep copies of all receipts to substantiate financial information contained in the acquittal.

Please note you will be required to provide receipts for expense items above \$500 as part of the acquittal process.

Please note that random audits may occur.





## 11. Key Documents and Contacts

Council has strategies that detail the priority areas and goals for improving the liveability of the Yarra Ranges. Grants are an important tool in realising these aspirations. It is therefore essential to consider how proposed projects contribute to the overall achievement of Council strategies.

The table below details key strategy documents and the relevant Council Officer you can speak to about Yarra Ranges Council's key priorities. Council Officers can be contacted on 1300 368 333.

Council Strategy or Plan	Relevant Council Officer
Creative Communities Strategy 2019 (arts, culture, heritage)	<a href="#">Cultural Development Officer</a>
Planning an Event Creative Communities Strategy 2019	<a href="#">Festival and Events Development Officer</a>
Health and Wellbeing Strategy 2017-2021	<a href="#">Social Planner</a>
Reconciliation Framework for Action 2013-2023	<a href="#">Indigenous Development Officer</a>
Environment Strategy 2015-2025	<a href="#">Sustainability Officer</a> <a href="#">Coordinator Sustainability</a>
Child and Youth Strategy Youth Strategic Action Plan	Early Years Development Coordinator Youth Team
Equity Access & Inclusion Strategy	<a href="#">Disability Inclusion Officer</a>

### Need further assistance?

For further information on the Grants for Community Program please contact the Community Partnerships Officers on 1300 368 333.

### Privacy Statement

In compliance with the Information Privacy Act 2009 (the Act) personal information on this form may be stored in Yarra Ranges Council records database and may also be used for statistical research, information provision and evaluation of services. Your personal information may be provided to the financial institution which handles Yarra Ranges Council's financial transactions and may be disclosed to other agencies and third parties for purposes related to this application and/or monitoring compliance with the Act.



## 12. Jargon Buster

The following section breaks down some key terms regularly used when talking grants and grant requirements.

**Acquittal** – a written report submitted following the completion of a project. The acquittal should detail what was achieved by the project, lessons learnt and how the grant funding was spent. Council will provide grant recipients with an acquittal form.

**Advocacy** – is the act of promoting, supporting or arguing in favour of an idea, need, cause or policy.

**Auspice** – an organisation that receives and manages grant money on behalf of an unincorporated grant applicant. To be eligible and auspicing body must be incorporated and have a current ABN.

**Community group** – a group of people working collectively in a voluntary capacity to deliver accessible community development activities for the benefit of the broader community.

To apply for Yarra Ranges Council funding, a community group must be able to provide evidence, on request, that they have:

- multiple people involved in planning activities (including the provision of contact details, details of relevant skills/ experience to deliver the initiative)
- delivered at least one community initiative (exceptions may be considered in the case of an urgent need or newly established group)
- been in existence for at least 3 months (exceptions may be considered in the case of an urgent need or newly established group)

**Capacity** – refers simply to the skills or abilities of an individual or organisation to plan, deliver and achieve project outcomes.

**Capacity building** – is more than just training. It refers to the process by which communities, organisations or individuals strengthen competencies and abilities to identify and achieve their development objectives. It is an ongoing and dynamic process.

**Evidence based** – Provides the proof that a project or approach is best placed to respond to a community need. This may include research, community consultation or data.

**Incorporation** - is a voluntary process where a not-for-profit or community group can apply to become its own 'legal body'. This means that the group can enter into a contract, sign a lease or employ people. For further information please contact the Consumer Affairs Helpline on 1300 55 8181 or visit the Not-For-Profit Law Information Hub's [website](#).

**In-kind support** – is in place of monetary support. It could take the form of goods from businesses through to services and time from volunteers. Examples of in-kind support provided by Council include free training, networking and promotion opportunities.

**Outcomes** – are the changes, benefits or other effects that occur as a result of the project. Examples could include increased skills as a result of access to training opportunities, increased confidence in nutritional meal preparation or increased event management skills.

**Project** – is a set of organised activities or steps that are planned to achieve a particular aim or outcome. It will have a start and end date.

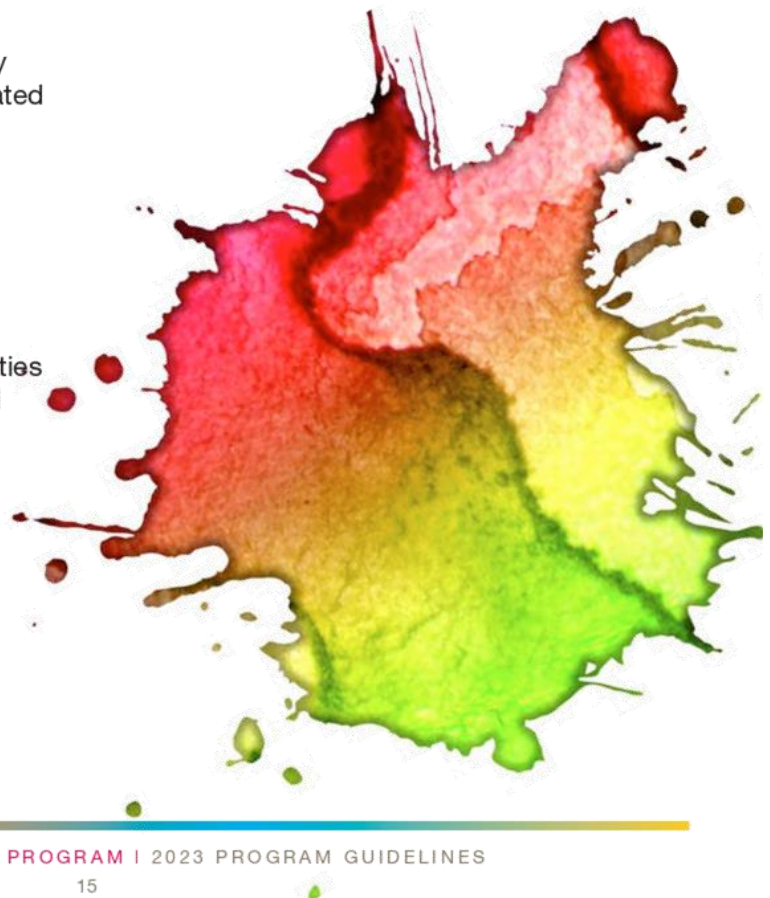
**Reconciliation** – is about building positive relationships between Indigenous Australians and the wider Australian community.

**Social enterprise** – is a commercially viable business with the clear and stated purpose of generating positive social or environmental impact. They exist primarily to benefit the community, rather than shareholders or owners.

**Social disadvantage** – People have limited/no access to the services, resources, opportunities and capabilities they need to learn, work, engage and have a voice.

**SmartyGrants** – is an online grants management platform. All Council grant submissions must be made through this system. The system is easy to use and supports the goals of an effective and efficient granting process.

**Variation** – is any change to the project compared to the original grant application, Council understands that sometimes variations are required; however these changes must be discussed with the Community Partnerships Officers before the completion of the funding period.







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**ENVIRONMENT AND INFRASTRUCTURE**

No. of Pages – 5

**7.8 Victorian Energy Collaboration - 100% Renewable Energy for Council's Small and Large Market Electricity Portfolio.**

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**RESPONSIBLE OFFICER** Director Environment & Infrastructure

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**SUMMARY**

Officers from Council's Sustainability team have investigated the value of Council fully participating in a joint tendering arrangement – the Victorian Energy Collaboration (VECO) power purchase agreement. VECO will enable Council to manage the uncertainty and volatility in the energy market while saving money and reducing emissions.

At the 27 April 2021 Council meeting, streetlighting was committed to the VECO contract for a 9.5 year period, which concludes December 2031. It is recommended Council considers including the small and large market electricity, using the 'flex-in' option of the contract, when current contracts expire on 30 June 2022.

Through the streetlighting contract over \$90,000 has been achieved in savings since July 2021, this will also abate 20% of Council emissions.

The expected savings through the addition of the small and large market accounts are \$300,000 annually, reducing over 50% of Council's annual greenhouse gas emissions in a single initiative.

**RECCOMENDATION*****That*****1. Council**

- (a) Commit its small and large market electricity accounts to the Victorian Energy Collaboration Contract with Red Energy and prepare to transition the contract commencing 1 July 2022.***
- (b) Delegate authority to the Director of Environment and Infrastructure to sign the contract documents and enter into the tender arrangement.***

**2. *The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under section 3(1) (g)(ii), (g)(i) 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

That Council commits the small and large market electricity sites to the VECO offer, commencing 1 July 2022.

- Small Market: Accounts that annually use less than 40MWh's such as preschools, halls, some community centres BBQ's, Public Toilets, public lighting (currently 166 accounts).
- Large Market: Accounts that annually use more than 40MWh's such as aquatics, libraries, civic centres and community links (currently 15 accounts).

Through VECO, Council will secure a competitive price over a long term for a significant portion of the electricity portfolio. The Power Purchase Agreement will provide renewable electricity for Council at a lower rate than business as usual.

## RELATED COUNCIL DECISIONS

Council at its meeting of 23 July 2019 resolved to participate in a joint tender to procure electricity for street lighting from 1 July 2020 via a Local Government Power Purchasing Agreement. As this project was not able to meet the initial indicative timelines Council entered into a 'bridging' contract for the purchase of electricity for street lighting through a State Government retail contract.

Council continued to participate in the Power Purchase procurement process through signing a Participation Deed in July 2020.

Following the completion of the procurement process and after receiving the final offer, Council at its meeting of 27 April 2021 resolved to;

- Endorse the outcomes of the Victorian Energy Collaboration (VECO) Power Purchase Agreement tender process and awards electricity consumption for street lighting, small and large markets under this proposal.*
- Sign a Renewable Energy Supply Agreement (RESA) for the contract for electricity consumption recommended through the VECO Power Purchase Agreement which is to commence from 1 July 2021 for a period of 9.5 years.*
- Initially commit street lighting energy use to the contract and then review the addition of small and large market electricity, using the "flex-in" options of the proposal, to this offer once the existing Council contracts for these markets expires in June 2022 pending VECO contract performance.*
- Delegate authority to the Director of Environment and Infrastructure to sign the contract documents and enter into the tender arrangement*



## BACKGROUND

Electricity is an essential input into Council operations and services. Electricity in 2019/20 accounted for 53% of Council's greenhouse gas emissions. Modelling suggests that electricity demand will increase by at least 40% over the next 10 – 15 years, attributed to:

- An increase in electric vehicle (EV) and plant charging as part of the Council fleet transition (~5%);
- Switching from gas to electricity in Council buildings as part of a planned phase out of fossil fuel use in Council facilities (~20-25%);
- Addition of new facilities and buildings (~5-10%); and
- Expansion of electricity demands of new technology and equipment within existing buildings (~5-10%).

Like many other local governments, Council has purchased carbon intensive electricity from an energy retailer. Retail electricity prices have become more volatile in recent years, while the costs of renewable energy and storage technologies have enjoyed a steady decline. Against this backdrop, and in conjunction with Council's own emission reduction targets, Officers have explored the opportunity to source electricity through the VECO Power Purchase Agreement (previously the Local Government Power Purchase Agreement (LG PPA)).

A Power Purchase Agreement is a contract for the purchase of electricity from a generator or retailer over an extended period (in this case, 9.5 years). Unlike standard retail electricity contracts, a Power Purchase Agreement allows customers to purchase electricity from a specific generation source (e.g. solar and/or wind farm), and typically secures competitive prices and price certainty due to the longer contract term.

Through various Greenhouse Alliances, 46 Councils across Victoria have formed a Buyers Group to jointly procure reliable and affordable renewable energy via a Power Purchase Agreement. The collective electricity load nominated by these Councils is currently 280 gigawatt-hours (GWh) annually. The project represents the largest renewable energy Power Purchase Agreement in Australia (by number of organisations involved) and is the single largest activity that any Council group has ever undertaken to reduce emissions from council operations.

At the time of entering Council's street lighting into the VECO Power Purchase Agreement, there was a degree of uncertainty in relation to the offer provided and whether there should be a commitment for small and large market sites as well. The VECO initiative has shown to meet all expectations and is considered to be an attractive option for Council to shift small and large market electricity consumption across to, which is available to Council as a part of being a part of the collaboration.

## STRATEGIC LINKS

- Economic Development Strategy 2012-2022, support a transition to non-fossil fuel based energy and resilience to future energy risks;

- Liveable Climate Plan 2020 – 2030, targets to reduce greenhouse gas emissions, transition all Council services and infrastructure to 100% renewable energy by 2030 along with a zero operational energy expenditure by 2040; and
- Environment Strategy 2015-2025, Goal 5 - Our communities are resilient in the face of a changing climate and more extreme events.

## **CONSULTATION**

Consultation with Council's Finance and Procurement teams has confirmed this proposal can be implemented and offers opportunities to streamline current large and small market billing procedures.

Extensive external consultation has occurred primarily through the Eastern Alliance for Greenhouse Action (EAGA). The business case development involved collaboration across multiple greenhouse alliances, canvassing interest across Victoria. The participating councils communicate regularly through an online platform and online meetings.

## **FINANCIAL IMPLICATIONS**

Electricity is clearly a significant ongoing operating expenditure for Council operations. Officers have been actively exploring multiple opportunities to reduce Council's reliance on grid electricity and exposure to volatile energy markets. There are also considerations to the increase in electricity use as equipment, vehicles and buildings are switched from petrol and gas to electricity.

The VECO contract represents an opportunity to reduce energy expenditure and restore price stability to a significant portion of the electricity portfolio. By securing a long-term contract at competitive rates, the Power Purchase Agreement will help to diversify exposure to energy tariffs and manage risk.

The greatest savings from VECO are expected to be achieved in the first three years of the contract.

The confidential attachment provides comparative rates between the VECO proposal and Council's current contract rates.

## **KEY ISSUES**

### ***Environmental Impacts***

In the 2019/20 financial year Council's corporate greenhouse gas emissions were 12,695 tCO<sub>2</sub>e. Over half of these emissions were attributed to electricity consumption. By committing the electricity accounts to VECO, Council is expected to reduce corporate emissions by almost 7,000 tCO<sub>2</sub>e each year.

As the energy from the Power Purchase Agreement is renewable, Council will demonstrate clear leadership, effectively reducing emissions by over 50% in a single initiative.

***Social Impacts***

Partnering with others to invest in dedicated renewable energy facilities demonstrates sustainable business practices and enhances resilience. Council is also setting an example as an environmentally conscious organisation by purchasing electricity sourced from renewable energy.

***Economic Impacts***

Aggregating the buying power of over 40 Councils, the Power Purchase Agreement is well placed to deliver significant socio-economic benefits to regional Victoria by initiating the establishment of a new renewable energy facility – a wind farm.

A Power Purchase Agreement also offers increased budget certainty and reduced administrative burden of procuring electricity over the term of the contract.

***Risk Assessment***

The risks are relatively minor, as engaging in a fixed term, fixed price contract via a collaborative procurement process. Council will achieve best value and price certainty in a relatively unpredictable market.

**CONCLUSION**

The Victorian Energy Collaboration offers a sound investment opportunity to secure a long-term, reliable renewable electricity supply at a more economic cost than business as usual. This initiative will reduce corporate greenhouse gas emissions and contribute to a diverse portfolio of competitively priced electricity.

**ATTACHMENTS**

- 1 Comparison of VECO contract rates (*Confidential*)
- 2 Invitation Letter – Final Offer - VECO (*Confidential*)

## **7.9 Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights Declaration of Special Charge**

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RESPONSIBLE OFFICER      Director Environment & Infrastructure

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### **SUMMARY**

In 2019 Council received \$150 Million Federal Government funding for sealing roads within the Dandenong Ranges and surrounding areas. Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights were included within the endorsed list of approximately 190 kilometres of roads to be constructed using Federal Funds and Landowner contributions through a Special Charge Scheme process.

Following an extensive consultation process with landowners, Council at its meeting of 8 March 2022 considered a report on road improvement works for Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the *Local Government Act 1989*.

This report advises that no submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

### **RECOMMENDATION**

*That*

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and having received no submissions hereto, declare the special charge for works associated with the Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 1989, without modification.***
- 2. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.***

### **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 declare a Special Charge Scheme for the construction of Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights, funded from the Roads for the Community Federal Government Grant and Landowner contributions.

## RELATED COUNCIL DECISIONS

1. At its meeting on 24 September 2019, Council considered a report regarding the Federal Government Road Construction Funding Initiative and adopted recommendations including:
  - (a) Council endorse the roads listed in Attachment 1 (of that report) for construction utilising the Federal Government funding initiative; and
  - (b) 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](https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv_OC%20CL%20Public%20Meetings=%28pageindex=4%29)

2. At its meeting on 8 March 2022, Council considered a report regarding the Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights Intention to Levy a Special Charge and adopted recommendations including:
  - (a) The affected landowners be advised of Council's intent to declare a special charge; and
  - (b) The Chief Executive Officer be authorised to give public notice of the intent to declare a special charge.

This report has been published on Council's website and is available by searching the Agenda for the 8 March 2022 Ordinary Meeting.

[https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv\\_OC%20CL%20Public%20Meetings=%28pageindex=4%29](https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv_OC%20CL%20Public%20Meetings=%28pageindex=4%29)

## BACKGROUND

In 2019 Council received \$150 Million Federal Government funding for sealing roads within the Dandenong Ranges and surrounding areas.

At its meeting of 24 September 2019 Council endorsed a list of roads to be constructed using Federal Government funding for sealing roads within the Dandenong Ranges and surrounding areas. Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights were included on the endorsed list of roads.



Consultation has occurred with landowners of Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights for the construction of their roads as a Special Charge Scheme.

Council at its meeting of 8 March 2022 resolved of its intention to declare a Special Charge in accordance with the provisions of Section 163 of the *Local Government Act 1989*.

The mandatory minimum of 28 days since the publication of the public notice advising of Council's intention to declare the Special Charge and for receiving submissions concluded on 13 April 2022. The concurrent formal period, for receiving submissions, of 28 days from the date of publication of the public notice has also closed. In accordance with requirements of the *Local Government Act 1989* Council must now consider any submissions received and determine whether to adopt, amend or abandon the scheme. If Council adopts or amends the scheme, the special charge may then be declared.

This report advises that no submissions were received regarding the Special Charge and recommends that Council declare the special charge without modification.

## **STRATEGIC LINKS**

The construction of local roads as a Special Charge Scheme meets the *Council Plan 2021-2025* 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 Dandenongs 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 Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights 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**

### ***Landowner Consultation***

Due to Covid-19 implications, a traditional public meeting for the landowners involved in the Special Charge Scheme was not 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 is available for viewing on Council's website.

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.

### ***Public Notice***

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

A public notice was published in The Star Mail local newspapers on 15 March 2022 and also on Council's Internet Website.

The public notice stated that submissions in respect of Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights Special Charge Scheme will be considered by Council, outlined the proposed declaration, set out the date on which it is proposed to make the declaration and advised that copies of the proposed declaration are available for inspection at Council's office for at least 28 days after the publication of the notice.

### ***Notification of Landowners Involved***

In addition to the public notice published in The Star Mail local newspapers and on Council's Internet Website, all owners of properties within the designated area (Attachment 1) of the special charge scheme were notified by mail of the proposed special charge, with an advisory notice and covering letter dated 9 March 2022.

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

### ***Persons Right to Make a Submission***

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

The formal submission period has now closed. Both the advisory notice served, and the public notice published advised that submissions must be received by 13 April 2022.

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

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

### ***Submissions Received***

No public submissions have been received regarding Council's intention to declare a special charge for the Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights Improvement Works.

The designated area of the scheme comprises of 75 properties.

## **FINANCIAL IMPLICATIONS**

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.

Following detailed design for the project the estimated cost of works has been determined as \$2,980,600.

On adoption of this report's recommendations the landowner contribution to the project will be fixed at \$465,500 based on the following funding breakdown:

- Resident Properties charged half unit - 17 properties x \$3,500 = \$59,500
- Resident Properties charged one unit – 58 properties x \$7,000 = \$406,000

As listed in Attachment 2 - Schedule of Costs per Property, Council's contribution to the project is estimated to \$2,515,100 and will be grant funded by the Federal Government Roads for the Community Initiative. As part of Council's contribution is a subsidy for landowners of \$1,842,441 over and above Council's normal 20% contribution towards Special Charge Scheme projects, equating to a saving per development unit of \$27,706.

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.

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

## **KEY ISSUES**

### ***Formal Notification to Landowners***

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

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

### ***Environmental Impacts***

The proposed works will require the removal of 6 native trees and 1 exotic tree.

Works on Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights will enhance the environmental amenity, through the reduction in dust.

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

### ***Social Impacts***

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

### ***Economic Impacts***

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

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

### ***Risk Assessment***

Construction of the 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 Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights;
- 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 the 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.

## **CONCLUSION**

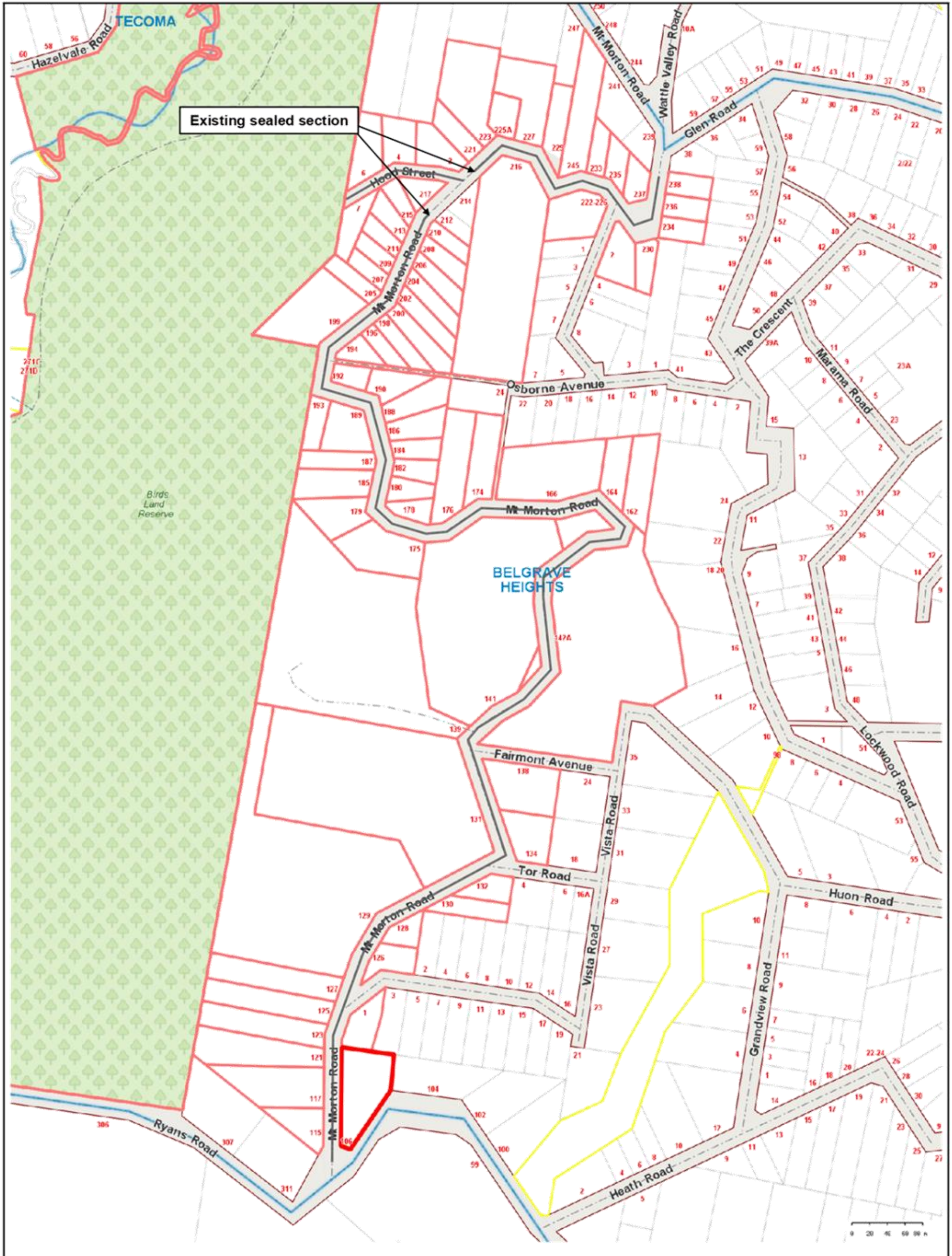
In accordance with the provisions of Section 163 of the *Local Government Act 1989* it is recommended Council declare a Special Charge Scheme for the construction of Mt Morton Road (Section between Glen Road & Ryans Road) and Hood Street, Belgrave Heights funded from the Road for the Community Federal Government Grant and Landowner contributions.

Having regard to the need for the proposed works, it is recommended that Council adopt and declare the special charge without modification.

## **ATTACHMENTS**

- 1 Designated Area [↓](#)
- 2 Schedule of Costs per Property [↓](#)





Yarra Ranges Council does not guarantee the accuracy of the information on this map. Any person using or relying upon such information does so on the basis that Yarra Ranges Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions on this map.

**Mt Morton Road and Hood Street, Belgrave Heights  
Proposed Special Charge Scheme**

Scale = 1:3800 @A3  
Plan Printed on 7/02/2022





Mt Morton Road and Hood Street  
Proposed Special Charge Scheme

PROJECT COST SUMMARY:		COUNCIL COST SUMMARY:		APPORTIONMENT SUMMARY:				
Total Project Cost	\$2,980,600	Council 20% Contribution	\$576,985	Unit Ratio =	100%			
Less Council Cost only Items	\$0	Abuttal to Council Reserve and Non Assessed Land	\$95,674	Total Landowner Units =	66.50			
<b>Total Scheme Cost</b>	<b>\$2,980,600</b>	Subsidy for costs above FedFund ceiling	\$1,842,441	Total Council Units =	Nil			
<b>Total Council Contribution</b>	<b>\$2,515,100</b>	Total Council Scheme Cost	\$2,515,100	\$ / Unit =	\$34,706			
<b>Total Landowner Contribution</b>	<b>\$465,500</b>	Council Cost only Items	\$0	FedFund Ceiling \$/ Unit =	\$7,000			
<b>Financing Costs</b>	<b>\$69,825</b>	Total Council Project Cost	\$2,515,100	FedFund Subsidy \$/ Unit =	\$27,706			
Total Length Road Constructed metres	2025.00							
ASSESSMENT NO.	DESCRIPTION	PROPERTY ADDRESS	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
60872	Lot 1 LP94777 Ca 70B	2 Gumtree Grove	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61071	CP162492 Ca 70B PN	2 Hood Street	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61072	Part Lot 13 LP11495	4 Hood Street	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61073	Part Lot 13 LP11495	6 Hood Street	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61828	Lot 33 LP30299 Ca 70	115 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61829	CP159822 Ca 70B PN	117 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61830	Lot 30 LP30299 Ca 70	121 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61831	Lot 29 LP30299 Ca 70	123 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61834	Lot 26 LP6490 PNarre	129 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61835	Lot 27 LP7690 PNarre	131 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61836	Lot 11 LP71061 Ca 70	139 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61838	Lot 8/10 LP71061 Ca	175 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61839	CP151051 PNarre W	179 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61840	CP151257 Ca PT 70B	185 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61841	Lot 4 LP71061 Ca PT	187 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61842	CP152438 Ca PT 70B	189 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61843	Lot 1 LP71061 Ca PT	193 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61845	Lot 8 LP11495 Ca 70B	207 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61846	Lot 7 LP11495 Ca 70B	209 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61847	Lot 6 LP11495 Ca 70B	211 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61848	Lot 5 LP11495 Ca 70B	213 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61849	Lot 4 LP11495 Ca 70B	215 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61850	Lot 3 LP11495 Ca 70B	217 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61851	Lot 1 LP112054 Ca 70	221 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61852	Lot 2 LP112054 Ca 70	223 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61853	Part Lot 1 TP555706	225 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61854	Lot 1 LP118865 Ca 70	227 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61855	Lot 2 LP112126 Ca 70	229 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61856	Part Lot 4 LP6490 Ca	245 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61857	Lot 3 LP112369 Ca 70	233 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61858	Lot 2 LP112369 Ca 70	235 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61859	Lot 1 LP112369 Ca 70	237 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61901	Lot 1 LP138500 PNarre	106 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61902	Lot 16 LP30299 Ca 70	126 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61903	Lot 15 LP30299 Ca 70	128 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61904	Lot 2 LP30299 Ca 70B	130 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00

## ATTACHMENT 2. Schedule of Costs per Property

Mt Morton Road and Hood Street  
Proposed Special Charge Scheme

ASSESSMENT NO.	DESCRIPTION	PROPERTY ADDRESS	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
61905	Lot 1 LP30299 Ca 70E	132 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61907	Lot 31 LP8383 Ca 70E	162 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61908	Lot 30 LP8383 Ca 70E	164 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61909	CP169340 Ca PT70B	166 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61910	Lot 25 LP8383 Ca 70E	174 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61911	Lot 24 LP8383 Ca 70E	176 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61912	Lot 8 LP53577 Ca 70E	178 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61913	Lot 7 LP53577 Ca 70E	180 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61914	Lot 6 LP53577 Ca 70E	182 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61915	Lot 5 LP53577 Ca 70E	184 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61916	Lot 4 LP53577 Ca 70E	186 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61917	Lot 3 LP53577 Ca 70E	188 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61918	Lot 2 LP53577 Ca 70E	190 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61919	Lot 1 LP53577 Ca 70E	192 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61920	Lot 1 LP53218 Ca 70E	194 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61921	Lot 2 LP53218 Ca PT	196 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61922	Lot 3 LP53218 Ca 70E	198 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61923	Lot 4 LP53218 Ca 70E	200 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
61924	Lot 5 LP53218 Ca 70E	202 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61925	Lot 6 LP53218 Ca 70E	204 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61926	Lot 7 LP53218 Ca 70E	206 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61927	Lot 8 LP53218 Ca 70E	208 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61928	Lot 9 LP53218 Ca 70E	210 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61931	Lot 13 LP6490 Ca 70E	216 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61932	Lots 1/3 LP8383 Ca P	222-226 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61933	Lot 2 LP94777 Ca 70E	230 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61934	Lot 157 LP6970 Ca 70E	234 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61935	Lot 156 LP6970 Ca 70E	236 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
61936	Lot 155 LP6970 Ca 70E	238 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
62690	Lot 7 LP20179 Ca 70E	138 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
62692	Lot 1 PS429798 Ca P	1 Vista Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
70286	Part Lot 3 PS627024	142 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
70287	Part Lot 3 PS627024	142A Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
72645	Part Lots 28 & 29 & 29	141 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
73095	Lot 1 PS402563 Ca 70E	7 Hood Street	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
76830	Lot 3 PS402563 Ca 70E	199 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
76831	Lot 2 PS402563 Ca 70E	205 Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
82742	Lot 9 LP20179 Ca 70E	134 Mt Morton Road	0.50	\$17,353	\$3,500	\$525.00	\$4,025.00	\$402.50
92244	Part Lot 1 TP555706	225A Mt Morton Road	1.00	\$34,706	\$7,000	\$1,050.00	\$8,050.00	\$805.00
<b>Totals</b>			<b>66.50</b>	<b>\$2,307,941</b>	<b>\$465,500</b>	<b>\$69,825</b>	<b>\$535,325</b>	<b>\$53,533</b>
<b>Notes</b>								
Contribution for Birds Land Reserve - 271 Mt Morton Rd (75m 1/2 cost abuttal)						\$55,196		
Contribution for Non Assessed Inappropriate subd/abandoned land - 125 Mt Morton Road (27m 1/2 cost abuttal)						\$19,871		
Contribution for Non Assessed Inappropriate subd/abandoned land - 127 Mt Morton Road (28m 1/2 cost abuttal)						\$20,607		

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## **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.*

The following petitions have been received:

### PART A – General Petitions

1. Tree Assessment and future management of foliage – Jacka and Macnamara Street, Ferny Creek. 30 signatures. Residents are requesting an urgent assessment on all of the trees along Jacka and Macnamara Street in Ferny Creek. It is also requested that heavy foliage is pruned to prevent injury and power outages.

### **RECOMMENDATION**

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

1. ***Tree Assessment – Jacka and Macnamara Street, Ferny Creek.***



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## **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;
- 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 April 2022 - Upper Yarra Recovery Committee**[↓](#)
2. **12 April 2022 - Council Forum**[↓](#)
3. **19 April 2022 - Council Briefing**[↓](#)
4. **19 April 2022 - Council Forum**[↓](#)
5. **26 April 2022 - Council Forum**[↓](#)
6. **6 April 2022 - Councillor Planning Induction**[↓](#)

7 April 2022 - Upper Yarra Recovery Committee

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Regional Community Recovery Committee Meeting – Upper Yarra	
<b>Date:</b>	07/04/2022	Start Time: 5:30pm      Finish Time: 7:30pm
<b>Venue:</b>	The Yarra Centre (2435 Warburton Highway, Yarra Junction Victoria 3797)	
<b>Attendees:</b>	<b>Councillors:</b> Nil <b>Other attendees:</b> Lesley Grimes, Gordon Buller, Barry Megee, Brad Colling & Jim Brown <b>CEO/Directors:</b> N/A <b>Officers:</b> Tracey Reid (YRC), Kristal Johnson (YRC)	
<b>Apologies</b>	Kerri Schroder, Emily Lewis, Rodney McKail, Nicole Plasajec, Miriam Fathalla, Paul Traynor, Cr Jim Child	
<b>Disclosure of Conflicts of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.1	Gia Underwood and Zoe Irving have resigned from their position with this group
	1.2	Discussion about some of the results from the surveys received so far
	1.3	Update from the Co-Chairs meeting, WHYLD-Don Valley Hall meeting, Yarra Ranges Life TV
	1.4	Next Meeting: Thursday 5 May 7:15pm-8:45pm
<b>Completed By:</b>	Kristal Johnson	

12 April 2022 - Council Forum

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Forum	
<b>Date:</b>	12 April 2022	Start Time: 7.54pm      Finish Time: 9.07pm
<b>Venue:</b>	Via videoconference	
<b>Attendees:</b>	<b>Councillors:</b>	Andrew Fullagar, Jim Child, Len Cox, David Eastham, Tim Heenan, Richard Higgins, Johanna Skelton & Sophie Todorov
	<b>CEO/Directors:</b>	Tammi Rose, Andrew Hilson, Mark Varmalis, Kathleen McClusky Jane Sinnamon & Jane Price
	<b>Officers:</b>	Allison Southwell, Isabelle Cancino, Peter Smith, Andrea Jeffrey Abby McCarthy & Sarah Candeland
<b>Apologies</b>	Fiona McAllister	
<b>Declarations of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.1	2022-23 Budget Discussion
<b>Completed By:</b>	Sarah Candeland	

19 April 2022 - Council Briefing

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Briefing		
<b>Date:</b>	19 April 2022	<b>Item 7.1 only</b>	<b>Items 7.2 – 7.12</b>
		Start Time: 5.41pm Finish Time: 6.24pm	Start Time: 6.34pm Finish Time: 6.50pm
<b>Venue:</b>	Via video conference		
<b>Attendees:</b>	<b>Councillors:</b>	Jim Child (from 5.44pm), David Eastham, Tim Heenan, Richard Higgins (from 6.14pm), Fiona McAllister, Johanna Skelton Sophie Todorov & Andrew Fullagar	
	<b>CEO/Directors:</b>	Tammi Rose, , Mark Varmalis, Kathleen McClusky Jane Price, Jarrod Reid (Acting Director Corporate Services)	
	<b>Officers:</b>	Amanda Kern, Tracey Pascoe, Sarah Candeland, Andrea Jeffreys & Michael Ng	
<b>Apologies</b>	Andrew Hilson, Jane Sinnamon & Councilor Len Cox		
<b>Declarations of Interest:</b>	Nil		
<b>Matter/s Discussed</b>	This briefing covered the following items of business to be considered at the 26 April 2022 Council Meeting		
	7.1	Planning Application YR-2021/715 - 54 & 56 Clegg Road, Mount Evelyn	
	7.2	Submission to Landslide and Erosion in the Planning System – Discussion Paper	
	7.3	Amendment C197 to the Yarra Ranges Planning Scheme - corrections and anomalies	
	7.4	Audit and Risk Management Committee Biannual Report to Council	
	7.5	Audit and Risk Management Committee - Independent Member Reappointment	
	7.6	Mayor, Deputy Mayor and Councillor Allowances - Remuneration Tribunal Determination	
	7.7	Victoria Road (section between Station Road to Walker Road), Railway Road & English Street, Seville Declaration of Special Charge	
	7.8	School Road and Valley Road, Seville Declaration of Special Charge	
	7.9	Station Road, Seymour Street & Britton Road, Seville Declaration of Special Charge	
	7.10	Bell Street, Winifred Street, Read Road and Paynes Road (from 11 to 23), Seville - Intent to Levy a Special Charge	
	7.11	Nation Road, Selby - Intent to Levy a Special Charge	
	7.12	Asset Plan, Asset Management Policy Draft for community feedback and Asset Panel Engagement Summary Report.	
	<b>Completed By:</b>	Michael Ng	



19 April 2022 - Council Forum

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Forum	
<b>Date:</b>	19 April 2022	Start Time: 7.02pm      Finish Time: 10.16pm
<b>Venue:</b>	Via videoconference	
<b>Attendees:</b>	<p><b>Councillors:</b> Jim Child, Len Cox, David Eastham, Tim Heenan, Richard Higgins, Fiona McAllister, Johanna Skelton, Sophie Todorov &amp; Andrew Fullagar</p> <p><b>CEO/Directors:</b> Tammi Rose, Mark Varmalis, Kathleen McClusky, Jane Price &amp; Jarrod Reid (Acting Director Corporate Services)</p> <p><b>Officers:</b> Kelly Dohle, Graeme Fletcher, Tracey Varley, Alison Southwell, David Harper, Graham Brew, Lisa Loulier, Kellie McPherson, Clint Hong, Kim O'Connor, James Lenihan, Andrea Jeffreys, Sarah Candeland &amp; Michael Ng</p>	
<b>Apologies</b>	Andrew Hilson & Jane Sinnamon	
<b>Declarations of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.1	Actions and Agreements Records - 5 April 2022
	1.2	Councillor Discussion Time
	1.3	Asset Plan, Asset Management Policy Draft for community feedback and Asset Panel Engagement Summary Report.
	1.4	2022-23 Budget Discussion
	1.5	Community Waste and Resource Recovery Plan
	1.6	2023 Grants for Community Initiation Report
	2.1	Road Maintenance & Street Sweeping Services CT6788
	1.1	Victorian Energy Collaboration - 100% Renewable Energy for Council's Small and Large Market Electricity Portfolio.
	3.2	Contract Approvals and Variations March 2022
	3.3	Indicative Forum & Council Meeting Schedule
	3.4	Mayor & CEO Updates
<b>Completed By:</b>	Sarah Candeland	

26 April 2022 - Council Forum

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Forum	
<b>Date:</b>	26 April 2022	Start Time: 8.16pm      Finish Time: 9.20pm
<b>Venue:</b>	Via videoconference	
<b>Attendees:</b>	<b>Councillors:</b>	Andrew Fullagar, Jim Child, Len Cox, David Eastham, Tim Heenan, Richard Higgins, Fiona McAllister, Johanna Skelton & Sophie Todorov
	<b>CEO/Directors:</b>	Tammi Rose, Andrew Hilson, Mark Varmalis, Amanda Kern (Acting Director Planning, Design and Development) Jane Sinnamon & Jane Price
	<b>Officers:</b>	Alison Southwell, Birgit King, Sarah Candeland, Andrea Jeffreys, Peter Smith
<b>Apologies</b>	Kath McClusky	
<b>Declarations of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.1	Draft 2022-23 Budget update
	1.2	Draft Council Action Plan 2022-25
<b>Completed By:</b>	Sarah Candeland	

6 April 2022 - Councillor Planning Induction

# Informal meeting of Councillors

## Public Record



<b>Meeting Name:</b>	INTRODUCTION TO PLANNING "PLANNING 101" with guest presenter David Vorchheimer (HWL Ebsworth Lawyers) – SESSIONS 1 of 2 and 2 of 2		
<b>Date:</b>	6/4/2022 & 11/4/2022	Start Time: 5.30	Finish Time: 7pm
<b>Venue:</b>	Zoom (recorded and retained for record)		
<b>Attendees (Session 1):</b>	<b>Councillors:</b>	Jim Child, David Eastham, Andrew Fullagar & Sophie Todorov]	
	<b>Other attendees:</b>	David Vorchheimer, Mary Pirozek	
	<b>CEO/Directors:</b>	Andrew Hilson, Kath McClusky, Jane Sinnamon & Jane Price	
	<b>Officers:</b>	Nathan Islip, Amanda Kern, Beck Stevens	
<b>Attendees (Session 2):</b>	<b>Councillors:</b>	Jim Child, Johanna Skelton, Andrew Fullagar & Sophie Todorov]	
	<b>Other attendees:</b>	David Vorchheimer	
	<b>CEO/Directors:</b>	Kath McClusky	
	<b>Officers:</b>	Nathan Islip, Amanda Kern, Beck Stevens	
<b>Apologies</b>	Johanna Skelton (First session), David Eastham (Second session), Both Sessions - Len Cox, Richard Higgins, Fiona McAllister, Tim Heenan		
<b>Disclosure of Conflicts of Interest:</b>	Nil		
<b>Matter/s Discussed:</b>		Planning Induction Session 1 & 2	
<b>Completed By:</b>	Amanda Kern		

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### **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 24 May 2022 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.*