

Council Meeting

Agenda

Tuesday, 28 November 2023

Council Chamber - Civic Centre
and via Videoconference

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.



COUNCIL 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 sustainable balanced growth makes this the best place in the world.

VALUE OF HISTORY

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.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
Chirnside Ward: Richard Higgins
Lyster Ward: Johanna Skelton
Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Andrew Fullagar
Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Jane Price

Director Corporate Services, Andrew Hilson
Director Planning and Sustainable Futures, Kath McClusky

GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. 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.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

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The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

CONTACT US

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YARRA RANGES COUNCIL

**AGENDA FOR THE 594TH COUNCIL MEETING TO BE HELD ON TUESDAY
28 NOVEMBER 2023 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE AND VIA VIDEOCONFERENCE**

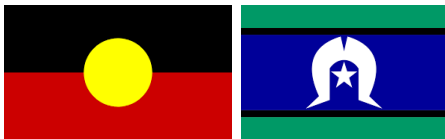
1. MEETING OPENED

2. ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.



3. INTRODUCTION OF MEMBERS PRESENT

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
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Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Jane Price
Director Corporate Services, Andrew Hilson
Director Planning & Sustainable Futures, Kath McClusky

4. APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Sophie Todorov.

5. MAYORAL ANNOUNCEMENTS

6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meetings held Tuesday 24 October 2023 and Tuesday 14 November 2023, as circulated, be confirmed.

7. CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The Local Government Act 2020 defines two categories of conflict of interest:

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.

No Conflicts of Interest have been received prior to the Agenda being printed.

8. 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.

A person may make a submission to Council on matters that are not listed on the Agenda. A submission may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) is substantially the same as a submission made to a Council meeting in the preceding 12 months;
- (c) relates to confidential information as defined under the Act;
- (d) relates to the personal hardship of any resident or ratepayer; or
- (e) relates to any other matter which the Council considers would prejudice the Council or any person.

QUESTIONS FROM THE PUBLIC

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

SUBMISSIONS FROM THE PUBLIC

Wheelchair Accessible Track Along the Birrarung River

Ivor Wolstencroft seeks to present a proposal for the installation of a wheelchair-accessible track along the Birrarung River in Warburton.

9. PETITIONS

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

A person may submit a petition to Council on matters that are not listed on the Agenda. Every petition or joint letter submitted to Council must:

- a) identify a 'Lead Petitioner' who Council can correspond with;
- b) be legible and in permanent writing;
- c) be clear and state on each page the matter and action sought from Council. Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter;
- d) not be derogatory, defamatory or objectionable in language or nature;
- e) not relate to matters outside the powers of Council; and
- f) clearly state the names and addresses of at least seven (7) people who live, work, study or do business in the Municipal district.

PETITION TO COUNCIL

Report Author: Governance Officer
 Responsible Officer: Director Corporate Services
 Ward(s) affected: O'Shannassy, Lyster, Chirnside

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

The following petition be received:

General Petitions

1. Request for the naming of park area between the Adventcare Aged Home, 5 Woods Point Rd, Warburton and the Yarra River, Warburton. 34 valid signatures.
2. Request the removal of traffic side posts on lower sealed section of Gleghorn Road, Kallista. 20 valid signatures.
3. Request additional consultation before commencing any work at the Country Fire Authority site located at 79 Edward Rd, Chirnside Park. This pertains specifically to the construction of a Fire Hose Drying Tower or a similar structure. 126 valid signatures.

RECOMMENDATION

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

1. ***Request for the naming of park area between the Adventcare Aged Home, 5 Woods Point Rd, Warburton and the Yarra River, Warburton.***
2. ***Request the removal of traffic side posts on lower sealed section of Gleghorn Road, Kallista.***
3. ***Request additional consultation before commencing any work at the Country Fire Authority site located at 79 Edward Rd, Chirnside Park. This pertains specifically to the construction of a Fire Hose Drying Tower or a similar structure.***

Planning Report - YR-2023/614 – Kingswood Drive Road Reserve (abutting 8 Kingswood Drive), Chirnside Park

APPLICATION DETAILS

Site Address	Kingswood Drive Road Reserve (abutting 8 Kingswood Drive), Chirnside Park
Application No.	YR-2023/614
Proposal	Vegetation removal
Existing Use	Road reserve
Applicant	Yarra Ranges Council
Zone	Clause 32.09 Neighbourhood Residential Zone – Schedule 1
Overlays	<ul style="list-style-type: none"> • Clause 42.03 Significant Landscape Overlay – Schedule 23 • Clause 44.01 Erosion Management Overlay
Permit triggers	<p>Clause 42.03 Significant Landscape Overlay – Schedule 23</p> <ul style="list-style-type: none"> • A planning permit is required to remove a substantial tree. <p>Clause 44.01 Erosion Management Overlay</p> <ul style="list-style-type: none"> • A planning permit is required to remove vegetation.
Objections	N/A
Encumbrances on Title (Covenants/Section 173 Agreements)	No
Reason for Council Decision	Councillor Call-in
Ward	Chirnside

SUMMARY

The proposal seeks to remove a single tree (River She Oak) which is sited on the road reserve of Kingswood Drive (abutting 8 Kingswood Drive), Chirnside Park.

A planning permit to remove the tree is required under the Clause 42.03 – Significant Landscape Overlay, Schedule 23 and under Clause 44.01 Erosion Management Overlay.

The application has been referred internally to Council's Consulting Arborist, Environment Department and Geotechnical Engineer. Council's Arborist has found that the removal of the tree is not warranted on the basis that there is no arboricultural reason.

Notice of the application was not required under Clause 52.31 – Local Government Projects, as the application has been submitted by a municipal council (Yarra Ranges Shire Council).

The tree has been assessed as being a mature tree with a high amenity value and of a fair health. The proposed tree removal is not supported when assessed against the relevant planning policy framework including Municipal Planning Strategy and the Planning Policy Framework, Zone, Significant Landscape Overlay and Particular Provisions of the Yarra Ranges Planning Scheme.

Therefore, it is recommended that a Notice of Refusal be issued.

RECOMMENDATION

That Council resolve to refuse Planning Application YR-2016/614 for Tree Removal at Kingswood Drive Road Reserve (abutting 8 Kingswood Drive), Chirnside Park and issue a Notice of Refusal subject to the grounds in Attachment 1 to the report.

DISCLOSURE OF CONFLICT 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*.

CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007 (Vic)* as to the need for a Cultural Heritage Management Plan. It has been determined that a Cultural Heritage Management Plan is not required.

EXTRACTIVE INDUSTRY

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

HUMAN RIGHTS CONSIDERATION

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

ENCUMBRANCES ON TITLE

There are no encumbrances on the Certificate of Title.

SITE LOCATION AND DESCRIPTION

The subject site is known as Kingswood Drive, road reserve.

The subject tree is located on the road reserve to the east abutting 8 Kingswood Drive. Kingswood Drive is a Council managed sealed residential road, with a number of street trees and no footpaths on either side of the road.

SURROUNDING AREA

The surrounding area can be characterised as follows:

- The east and west side of Kingswood Drive comprises of residential properties, with single dwellings, with scattered vegetation across each lot (Figure 1).



Figure 1 – Aerial Map of Kingswood Drive

PROPOSAL

The proposal seeks to remove one tree, a River She Oak, as shown below in Figures 2 to 4. The accompanying Arborist report and plans are provided in Attachment 2 and Attachment 3.

Details of the tree are outlined in the table below:

Tree number	Tree Number 1
Species	River She Oak (<i>Casuarina Cunninghamiana</i>)
Native	No, tree is not indigenous to Victoria
Height	17 metres
Spread	Seven (7) metres
Diameter at Breast Height (DBH)	0.55 metres
Age	Mature
Health	Fair
Amenity value/ Significance	High

Figure 2 shows the location of the subject tree, while Figure 3 and 4 show images of the subject tree within the Kingwood Drive streetscape.



Figure 2- Subject site and tree proposed for removal.



Figure 3- Subject tree (Tree 1) proposed for removal facing south on Kingswood Drive.



Figure 4 - Subject tree (Tree 1) proposed for removal facing north on Kingswood Drive.

HISTORY

Application Number and Decision Date	N/A
VCAT History	N/A
Other History	<p>At the Council meeting, on 25 July 2023, Council considered a report for 'Tree Matter outside 8 Kingswood Drive, Chirnside Park'. A request was made by a nearby resident for the removal of a tree they considered dangerous due to it dropping leaves and debris.</p> <p>Council's Trees Co-ordinator recommended the retention of the tree on the basis that there was no arboricultural reason to remove the tree, having regard to Council's 2016 Tree Policy.</p> <p>Council resolved to give consent to the removal of the tree subject to a planning permit being issued and the planting of two new appropriately selected trees.</p>

PLANNING CONTROLS

Zoning:	Clause 32.09 Neighbourhood Residential Zone – Schedule 1
Overlay:	Clause 42.03 Significant Landscape Overlay – Schedule 23 Clause 44.01 Erosion Management Overlay
State Planning Policy:	Clause 12.01-1S Protection of biodiversity Clause 12.05-1S Environmentally sensitive areas Clause 12.05-2S Landscapes Clause 13.04-2S Erosion and landslip
Local Planning Policy:	Clause 12.01-1L Biodiversity
Particular Provisions	Clause 52.31 Local Government Projects
Other Requirements:	Clause 65 – Decision guidelines

For further information on the planning controls refer to Attachment 4.

CONSULTATION***Internal Referrals***

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Department	Summary of Response	Conditions required
Arborist	<p>Objects to removal of the tree.</p> <p>Comments</p> <ul style="list-style-type: none"> • Tree is an Australian native tree of fair health, with fair structure and high significance. • No structural defects of concern were identified during the site visit or in the provided arborist report. • As such there is no arboricultural reason for the tree to be removed 	No conditions provided.
Environment	<p>No objection</p> <p>Comments</p> <ul style="list-style-type: none"> • The tree is not native to Victoria. • The species is native to New South Wales and as such the requirements of Clause 52.17 are not applicable. 	No conditions provided.
Geotechnical Engineer	No objection, subject to conditions	If the application were supported, permit conditions would be required to remove the stump, the hole formed backfilled with compacted material with the level mounded slightly above the level of the surrounding ground level.

External Referrals

There were no external referrals required by the planning scheme.

Public Notification and Consultation

Clause 52.31 applies to Local Government Projects.

Under Clause 52.31-2, there is an exemption from the requirement to give notice of any application which meets the relevant criteria, where the application is to develop land by or on behalf of Council, including the removal of vegetation, unless it is:

An application to remove, destroy or lop more than:

- *0.5 hectares of native vegetation other than a tree; or*
- *15 native trees with a trunk diameter of less than 40 centimetres measured at 1.3 metres above ground level; or*
- *5 native trees with a trunk diameter greater than 40 centimetres measured at 1.3 metres above ground level.*

The current application seeks the removal of one non-native tree. This meets the notice exemption criteria outlined above. This exemption also removes any third-party appeal rights, to appeal the decision with Victoria Civil Administrative Tribunal.

As such, no notice to any adjoining or nearby property has been given, and no submissions (either in support or objection) have been received.

ASSESSMENT/ KEY ISSUES

Policy State, Regional and Local

Both State and Local policy within the Planning Policy Framework seeks for the protection and enhancement of Victoria's biodiversity whilst also recognising the importance that vegetation provides in a scenic landscape setting.

Clause 12.05-1S – Environmentally sensitive areas and Clause 12.05-2S seek to protect and conserve environmentally sensitive areas and significant landscapes that contribute to character. Through the application of Clause 42.03 – Significant Landscape Overlay – Schedule 23, the site is recognised as a significant landscape where strategies seek to ensure development does not detract from the natural qualities of significant landscape areas and aesthetic values. Further, strategies seek to ensure important natural features are protected and enhanced.

The proposal is contrary to the above policies as it seeks to remove a tree, that has a high amenity value, due to its maturity, size and canopy spread and is of fair health. The removal of this tree is inconsistent with state and local policy which will result in a loss in landscape values to the surrounding area.

Clause 42.03 Significant Landscape Overlay – Schedule 23

The purpose of this Clause seeks to conserve and enhance the character of significant landscapes. The subject site and surrounds are identified as an area of

significant landscape through the application of this overlay. The statement of nature also recognises the following:

The landscape significance of the following areas is attributed to the quality of environment, its setting and relationship to the broader landscapes some of which have National Trust classification. Classified landscapes in these areas include: The Silvan Agricultural Area and the Upper Yarra and Environs.

The visual effect of large trees both native and exotic makes a significant contribution to the neighbourhood character of these areas. All the following areas share varying sized blocks allowing development to integrate within its surrounding landscape and providing views between dwellings.

Vegetation and buildings in streamside areas play a significant role in the broader catchment and should address the principles of ecologically sustainable development for the Upper Yarra River Catchment.

The overlay also identifies the significance of the Chirside Park area as follows:

Chirside Park was originally a grazing area and is set against a rural backdrop of surrounding hills and paddocks. Housing was developed primarily in the 1970's and as a result, many mature trees of both native and exotic species exist within its established gardens and contribute significantly to the character of the area.

To conserve and enhance these landscape characteristics, Schedule 23 to Clause 42.03 sets out a number of landscape character objectives to be achieved:

- *To recognise and conserve the environmental and visual sensitivity of residential areas of the Dandenong Ranges foothills and the Yarra Valley.*
- *To ensure all 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.*
- *To retain mature trees which make a significant contribution to the landscape character of the neighbourhood areas.*
- *To protect vegetation of significance, natural beauty, interest and importance.*
- *To protect and preserve the riparian areas along waterways.*

The removal of a mature tree is contrary to the character statement which references the importance of mature trees in the area being retained and how these trees contribute significantly to the neighbourhood character of the area. The tree is prominent in the context of the immediate surrounds given its maturity, height and canopy spread that presents its significant and natural beauty when traversing Kingswood Drive.

The tree is of high amenity value in the landscape where its dominance is clearly visible in the streetscape highlighting its natural beauty, interest and importance. The submitted arborist report and the review by Council's independent arborist have both found this tree to have a high amenity value and to be of fair to good health. The

report finds that there are no structural defects of concern for the tree and that there is no arboricultural reason to remove this tree.

The tree is a dominant element within the streetscape particularly when viewed southbound along Kingswood Drive and in the broader landscape. The overall tree height and canopy spread of the tree highlight the prominence large trees have in the area which vastly outweigh any other elements in the area. As seen in Figure 2 and Figure 3 above, the subject tree is one of the largest specimens in the streetscape resulting in the tree being a dominant feature in the street.

The road reserve in the immediate surrounds highlights this tree as being only one of three mature trees of a comparative height and canopy spread along Kingswood Drive. All other trees along the road reserve of properties are juvenile trees and/or significantly lower in height and of less canopy spread, noting that the north-west side of Kingswood Drive has power lines which inhibits maximum canopy size. The conservation and retention of this tree is important in maintaining Kingswood Drive's treed streetscape character, consistent with the landscape objectives of the Significant Landscape Overlay, which seek to retain trees that make a significant contribution to the landscape character of the neighbourhood areas.

The proposed removal of this tree is not supported by the Yarra Ranges Planning Scheme as there is no arboricultural reason to remove the tree. In addition, the removal of this tree will degrade the landscape significance of the area and the prominence of mature trees in the neighbourhood which contribute to the landscape setting of Chirnside Park. Mature trees are an important element in the area of significant landscape and the proposed removal of this tree will adversely diminish the landscape character of the area and is also contrary to the landscape character objectives under Schedule 23 to Clause 42.03.

It is noted that in the event that tree removal is allowed in the Significant Landscape Overlay, two for one replacement replanting is required by the planning policy. While replacement planting can recover the long-term landscape impacts of loss of a significant tree. Replacement planting does not make up for the loss of a mature tree in the short and medium term. The subject tree's size and scale is one of three main trees in the streetscape. The tree's foliage softens the landscape through screening and provides filtered views of the built form within the landscape. New planting will take years to reach a mature height and offer the same foliage and height to match what is being removed.

The need to ensure replacement planting should a permit be issued also is in accordance with the decision made by Council, at the 25 July 2023 Council Meeting, to consent to the removal of a street tree subject to obtaining a planning permit and the planting of two new, appropriately selected trees.

The land is not in a bushfire prone area therefore there would be no planning scheme restriction limiting replanting back within the area.

Clause 44.01 Erosion Management Overlay

The subject tree proposed for removal is sited within an area of land affected by the Erosion Management Overlay as depicted below in Figure 5.

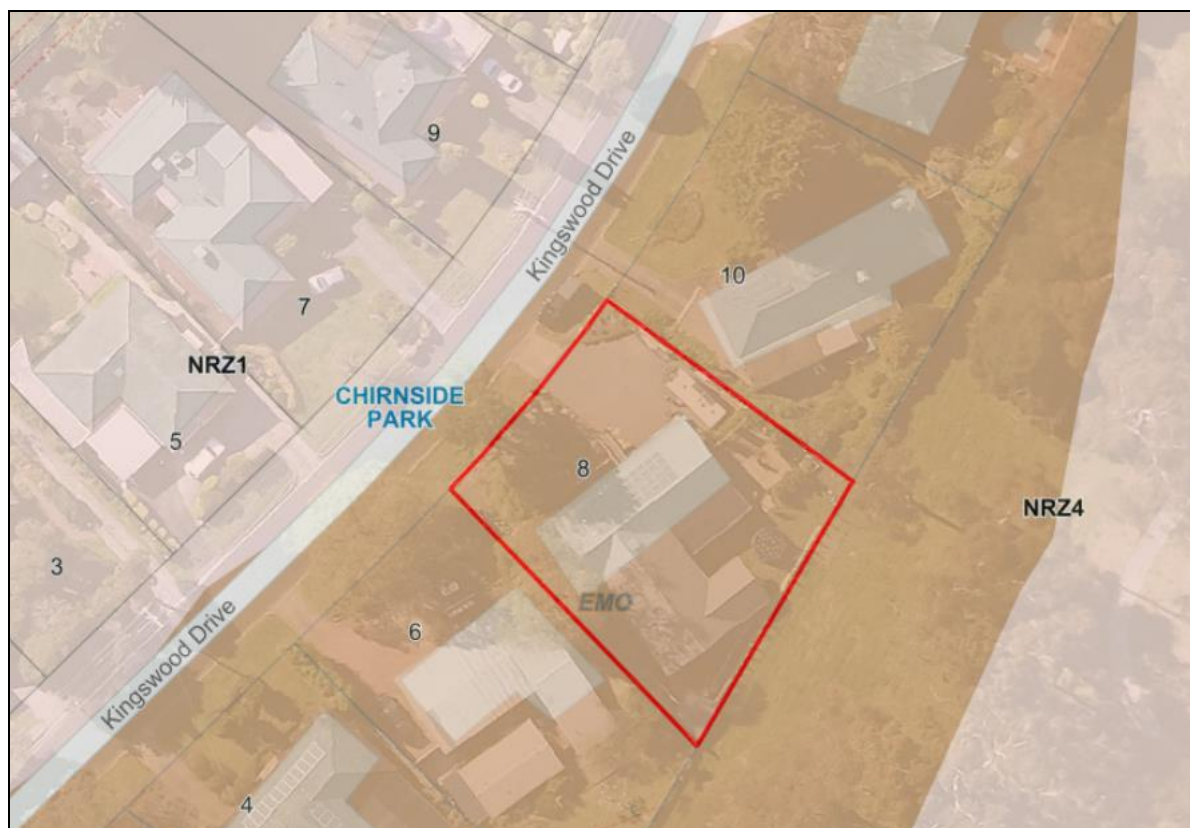


Figure 5 Area of land affected by Erosion Management Overlay (EMO)

An assessment of the landslip hazard code rating identifies the area as generally have a low slope angle and natural slope hazards on these sites are unlikely. The purpose of this overlay is to protect areas prone to erosion, landslip, other land degradation by minimising land disturbance and inappropriate development the application has been referred to Council's consulting geotechnical practitioner.

Having regard to landslip risk, Council's Geotechnical Engineer has not objected to the proposal subject to conditions to require the stump to remain in place; or if the stump is removed for the hole to be backfilled with compacted material and surface mounded above the natural ground level.

If a permit were to be issued conditions requiring the removal of the tree stump and subsequent earthworks would ensure that no additional water ponding or infiltration into the ground would occur, that could potentially increase the susceptibility of landslip risk.

Clause 65 – Decision Guidelines

The proposal is inconsistent with the decision guidelines under Clause 65.01, as the vegetation removal directly conflicts with the purpose of the Clause 42.03 Significant Landscape Overlay – Schedule 23 and relevant state and local planning policy which

seek to retain biodiversity in the area that contributes to the ecosystem and landscape value of the area.

CONCLUSION

The application to remove a tree has been assessed in accordance with Section 60(1) of the *Planning and Environment Act 1987* and all relevant instruments and policies.

The proposal is contrary to the objectives of state planning policies, local planning policies and the relevant zone, overlay and particular provisions of the Planning Scheme.

There is no arboricultural basis to remove the tree and it is recognised that the tree contributes to the character of the Chirnside Park area, being in an area of landscape significance.

As such, it is recommended a Notice of Refusal be issued on the grounds outlined in Attachment 1 to this report.

ATTACHMENTS

1. Grounds for Refusal
2. Set of Plans
3. Arborist Report
4. Planning Scheme Policies

REFUSAL TO GRANT A PERMIT

Application	YR-2023/614
Planning Scheme	Yarra Ranges Planning Scheme
Responsible Authority	Yarra Ranges Council
Address of the land	Kingswood Drive Road Reserve (abutting 8 Kingswood Drive), Chirnside Park
What has been refused?	Vegetation removal

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The vegetation removal is inconsistent with the Yarra Ranges Planning Scheme, specifically Clause 12.05-1S Environmentally sensitive areas and 12.05-2S Landscapes as the proposal fails to protect and conserve significant landscapes that contribute to character and identity.
2. The tree removal is inconsistent with the Purpose, Statement of Nature and Key Elements of Landscape, the Landscape Character Objectives to be achieved and the Decision Guidelines of Clause 42.03 Significant Landscape Overlay – Schedule 23 of the Yarra Ranges Planning Scheme as the proposal:
 - a. Diminishes mature trees in the area that contribute significantly to the character of the area;
 - b. Does not recognise and conserve the environmental and visual sensitivity of residential areas of the Dandenong Ranges foothills;
 - c. Fails to retain mature trees which make a significant contribution to the landscape character of the neighbourhood areas;
 - d. Fails to protect vegetation of significance, natural beauty, interest and importance;
 - e. Results in the loss of dominant trees within the Kingswood Drive streetscape.
3. The proposal is inconsistent with the decision guidelines of Clause 65.01 as it conflicts with the overlays which seek to protect and preserve the landscape character and to prevent unnecessary vegetation loss that is avoidable.



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.

Tree to be removed (marked in yellow) outside 8 Kingswood Drive, Chirnside Park

Scale = 1:500 @A4
Plan Printed on
21/08/2023

TREE INSPECTION REPORT

Report number: 32691	Site address of tree: 8 Kingswood Drive, Chirnside Park	
Date of inspection: 22/01/2023	Melway: 37 K4	
Name: [REDACTED]	Address: [REDACTED]	Phone: [REDACTED]
Recommended action: No works		
Reasons for recommended action: The tree is a mature specimen with good health and structure. The trunk is single and straight, the roots appear sound. Branch attachments are good and there is a low likelihood for major failure. The complainant's house is ~20-25m away.		
Risk & works priority: Low		Site conditions & equipment required:

Map:



Age: Mature		Common name: River She Oak		Botanical name: <i>Casuarina cunninghamiana</i>	
Tree No. 1	Height (m) 17	Spread (m) 7	DBH (mm) 550		
Roots condition: Not observed			Trunk condition: Good		
Limbs condition: Good			Foliage condition: Good		
Amenity value: High			Habitat: <i>Part of habitat corridor:</i> No <i>Hollow bearing:</i> No <i>Native Fauna Use:</i> No		
Distance to building (m): ~13		Do branches overhang buildings? No		Targets Road	
Company: Ryder Consulting		Name: [REDACTED]		Date report written up: 22/01/2023	

Photo 1



Tree 1

YARRA RANGES PLANNING SCHEME – PLANNING CONTROLS

Zone:

Clause 32.09 Neighbourhood Residential Zone – Schedule 1

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Overlays:

Clause 42.03 Significant Landscape Overlay – Schedule 23

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify significant landscapes.

To conserve and enhance the character of significant landscapes.

Statement of nature and key elements of landscape

The landscape significance of the following areas is attributed to the quality of environment, its setting and relationship to the broader landscapes some of which have National Trust classification. Classified landscapes in these areas include: The Silvan Agricultural Area and the Upper Yarra and Environs.

The visual effect of large trees both native and exotic makes a significant contribution to the neighbourhood character of these areas. All the following areas share varying sized blocks allowing development to integrate within its surrounding landscape and providing views between dwellings.

Vegetation and buildings in streamside areas play a significant role in the broader catchment and should address the principles of ecologically sustainable development for the Upper Yarra River Catchment.

Chirnside Park

Chirnside Park was originally a grazing area and is set against a rural backdrop of surrounding hills and paddocks. Housing was developed primarily in the 1970's and as a result, many mature trees of both native and exotic species exist within its established gardens and contribute significantly to the character of the area.

Landscape character objective to be achieved

- To recognise and conserve the environmental and visual sensitivity of residential areas of the Dandenong Ranges foothills and the Yarra Valley.
- To ensure all 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.
- To retain mature trees which make a significant contribution to the landscape character of the neighbourhood areas.
- To protect vegetation of significance, natural beauty, interest and importance.
- To protect and preserve the riparian areas along waterways.

Clause 44.01 Erosion Management Overlay

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

Statement of nature and key elements of land susceptible to landslip

The Shire contains areas of land which are susceptible to landslip, including land in the Dandenong Ranges, Silvan, the Don River Valley and Warburton.

A number of geotechnical studies have been undertaken, in various forms, in the former Shires of Lillydale, Upper Yarra, Healesville and Sherbrooke and in the broader region administered by the former Upper Yarra Valley and Dandenong Ranges Authority.

The Shire of Yarra Ranges subsequently adopted a shire wide slope stability classification system and guidelines for the development of land potentially affected by landslip.

All land included in the Erosion Management Overlay has been identified as having a sufficiently high risk of potential instability to warrant specific review of these risks prior to the issue of a planning permit. The control of environmental factors and development such as vegetation cover, drainage, rock and soil disturbance and effluent and stormwater disposal are important in managing the risk of landslip.

Objectives

- To manage the risk of landslip.
- To ensure that development can be carried out in a manner which will not adversely increase the landslip risk to life or property affecting the subject land or adjoining or nearby land.
- To ensure that on land where a Landslip Risk Assessment is required development is not carried out unless the risk associated with the development is a Tolerable Risk.
- To ensure that applications for development are supported by adequate investigation and documentation of geotechnical and related structural matters.
- To ensure that development is only carried out if identified geotechnical and related structural engineering risks to life and property are effectively addressed.
- To ensure that development is appropriate to be carried out either conditionally or unconditionally, having regard to the results of those geotechnical and related structural investigations.
- To ensure that approved development is thereafter appropriately maintained.

Particular Provisions:

Clause 52.31 Local Government Projects

Purpose

To facilitate the development of land by or on behalf of municipal councils.

Permit exemptions

Any requirement in a zone or a schedule to a zone to obtain a permit to construct a building or construct or carry out works does not apply to the development of land carried out by or on behalf of a municipal council. This exemption does not apply to:

- A development with an estimated cost of more than \$10 million.
- A development in the Urban Floodway Zone unless the development is carried out to the satisfaction of the relevant floodplain management authority.
- A development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- A development for which an environment effects statement has been, or is required to be, prepared under the *Environment Effects Act 1978*.
- A development for which the Minister for Planning has decided that an assessment through an environment effects statement under the *Environment Effects Act 1978* is not required if the Minister's decision is subject to conditions.

Any requirement in the Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay to obtain a permit to construct a building or construct or

carry out works does not apply to the development of land carried out by or on behalf of a municipal council to the satisfaction of the relevant floodplain management authority.

This clause prevails over any inconsistent provision in this planning scheme.

Exemption from notice and review

An application under any provision of this planning scheme to develop land by or on behalf of a municipal council is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to:

- An application for a development with an estimated cost of more than \$10 million.
- An application for a development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- An application to remove, destroy or lop more than:
 - 0.5 hectares of native vegetation other than a tree; or
 - 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level; or
 - 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

Planning Policy Framework

Clause 12.01-1S Protection of biodiversity

This Clause seeks to protect and enhance Victoria's biodiversity.

Clause 12.01-1L Biodiversity

Strategies include:

Support land management including fencing of remnant vegetation from livestock grazing and weed control to protect flora and fauna habitats and riparian vegetation.

Support rehabilitation and revegetation of bio-link corridors for wildlife to move between core habitat areas.

Protect and enhance areas containing indigenous vegetation patches on public land.

Encourage development on land adjoining public conservation reserves to protect and enhance the biodiversity assets on the public land.

Support planting of indigenous vegetation to provide habitat for local flora and fauna.

Ensure unavoidable vegetation removal is adequately offset by revegetation and land management that achieve a net improvement in Yarra Ranges' biodiversity assets.

Direct revegetation and land management improvements associated with vegetation removal offsets to identified habitat corridor links and other key sites within Yarra Ranges.

Protect the biodiversity values of conservation open spaces through revegetation and land management improvements including vegetation offsets.

Clause 12.05-2S Landscapes

Objective

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Strategies

Ensure significant landscape areas such as forests, the bays and coastlines are protected.

Ensure development does not detract from the natural qualities of significant landscape areas.

Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.

Recognise the natural landscape for its aesthetic value and as a fully functioning system.

Ensure important natural features are protected and enhanced.

Clause 13.04-2S Erosion and landslip

Objective

To protect areas prone to erosion, landslip or other land degradation processes.

Strategies

Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.

Prevent inappropriate development in unstable areas or areas prone to erosion.

Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.

WARBURTON URBAN DESIGN FRAMEWORK – POST-CONSULTATION AND CONSIDERATION

Report Author: Principal Urban Designer; Manager Design and Place
 Responsible Officer: Director Planning & Sustainable Futures
 Ward(s) affected: O'Shannassy

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

Council resolved on 13 December 2022 to place the draft Warburton Urban Design Framework on public exhibition between 16 December 2022 to 24 February 2023. The Framework provides practical design solutions to realise the intent of the design, development, and public realm actions contained in the Warburton Place Plan.

The comprehensive engagement undertaken has resulted in extensive Community feedback with 335 written submissions composed of over 1,800 comments, which have been assessed and documented within this report. The relevant feedback has been utilised to inform edits and updates to develop a proposed final version of the Warburton Urban Design Framework.

This report informs Councillors on the engagement process and proposed changes to the draft Warburton Urban Design Framework to enable consideration for adoption of the final Warburton Urban Design Framework.

RECOMMENDATION

That Council

- 1. Note the findings from community consultation and the changes shown in Attachment 2 – Marked Up Draft Warburton Urban Design Framework.**
- 2. Adopt the Warburton Urban Design Framework in accordance with the Attachment 3 - Proposed Final Warburton Urban Design Framework.**
- 3. Write to submitters to thank them for their engagement and advise them of the outcome of the Council Meeting.**

RELATED COUNCIL DECISIONS

- At the Ordinary Council meeting of 23 November 2021, Council resolved to adopt the Warburton Place Plan, which identifies under Action 3.1 the preparation of an Urban Design Framework.

- At the Ordinary meeting of 13 December 2022, Council resolved to:

That Council

1. *Support the Draft Warburton Urban Design Framework being placed on public exhibition between 16 December 2022 and 24 February 2023; and*
2. *Note that findings from the community feedback and proposed amendments to the Draft Warburton Urban Design Framework will be presented at a future Council meeting.*

- At Council Meeting on Tuesday 8 August 2023, it was resolved:

That Council

1. *Considers the tree at 3457 Warburton Highway, Warburton should be retained, subject to:*
 - a. *an appropriate zone being established around the tree, with a radius equal to the height of the tree, to preclude public access,*
 - b. *an annual inspection program by a qualified arborist, and*
 - c. *undertaking any maintenance works to maintain a low risk profile.*
2. *Refer consideration of formalising Ottrey's car park and associated amenity planting to the Warburton Urban Design Framework, and if supported, to future budgets for funding.*

The exhibited draft Warburton Urban Design Framework (Warburton UDF) proposed 'an enhanced connection between Warburton Highway and the new pavilion through a defined entry forecourt' (section 5.4 Draft Warburton UDF) and to formalise the car park which would include line-marking. The proposed final Warburton UDF remains consistent and reflective of Council's earlier decision.

DISCUSSION

Purpose

The purpose of this report is to provide an overview of community feedback on the exhibition of the draft Warburton UDF, following public exhibition which occurred between December 2022 and March 2023.

The report also explains how the community engagement activities undertaken for the draft Warburton UDF responded to the Communications and Engagement Plan reported to Council prior to engagement commencing.

Finally, this report presents a proposed final version of the Warburton UDF identifying changes based on analysis of that feedback for Council adoption. *Attachment 1 – Warburton Urban Design Framework Summary Document* provides an overview of the Framework, describes the purpose and process undertaken, and highlights some of the key issues raised as part of the consultation and engagement process.

Background

The development of an Urban Design Framework for Warburton is *Priority 3, Action 3.1* of the Warburton Place Plan, which was adopted by Council in November 2021.

The development of an Urban Design Framework, along with a suite of other projects for Warburton, was identified as an important initiative to translate many actions of the Place Plan into design concepts reflecting community aspirations, addressing identified issues, and focussing on Warburton's unique culture, environment, and opportunities. The Warburton Township has an existing Design and Development Overlay (DDO12 – Town Centres: Healesville, Monbulk, Seville, Warburton, Yarra Glen, and Yarra Junction) which contains design requirements to enhance the built form and streetscape characteristics of Warburton. This includes limiting building height to no more than three storeys, protecting views from the Main Street to the surrounding hills and avoiding development that has blank walls and big box structure amongst other specific design provisions.

The final Warburton UDF will assist in further improving built form outcomes and inform a future DDO that specifically applies to Warburton, which will be undertaken through a future Planning Scheme Amendment, to ensure that future built form respects, and enhances the character of Warburton.

Key issues identified during community consultation on the Warburton Place Plan included:

- Protection of the natural environment
- Improved accessibility throughout the township
- Strengthened local economy
- Improved housing choices
- Celebration of culture and place
- Village character of Warburton
- Improved car parking provision
- Emergency management preparedness, and

- Improved communication from Council.

The final Warburton UDF considers the town centre as four separate geographic areas that have their own similar characteristics, referred to as precincts.

These precincts are:

1. **Warburton Gateway** – Serves as the entry into Warburton.
2. **Yarra Town Centre** – The main town centre for Warburton with a strong hospitality and tourism focus.
3. **Warburton Recreation** – Defined by several active and passive recreation areas.
4. **La La Town Centre** – The secondary town centre for Warburton with convenience and servicing local needs.

Exhibition

Council resolved at this meeting to undertake public exhibition of the draft Warburton UDF in line with the proposed Communications and Engagement Plan. The consultation period was undertaken over 12 weeks between 16 December 2022 and 12 March 2023, with the more intensive activities occurring in February and March.

A total of 335 written submissions were provided during the consultation and engagement period which was a substantial volume of feedback commentary, and many included extensive and detailed feedback. This feedback has been separated into 1,856 comments and has been documented and analysed to inform the next steps in the project. All comments have been reviewed and where relevant have been considered in the recommended changes to the Framework.

The objectives of the public exhibition (as reported to Council on 13 December 2022) were to:

- Inform the Community of the delivery of Place Plan Priority 3 – Character, Place and Inclusion, Action 3.1 – Urban Design Framework from the Warburton Place Plan.
- Inform the Community and Stakeholders of what an Urban Design Framework is and why a road map is needed for the Warburton township.
- Consult with the Community through the vision presented in the Warburton UDF.
- Consult with the Community regarding the design guidelines within the draft Warburton UDF proposing built form and streetscapes that protect the character of the townships and can be translated into future Planning Scheme provisions and future updates to the existing Design Development Overlay 12 in the Yarra Ranges Planning Scheme.

- Consult with the community regarding the suite of projects proposed within the Warburton UDF. These are projects that have translated some of the Actions in the Warburton Place Plan into potential design solutions, addressing the key issues and focussing on Warburton's unique culture, environment and opportunities, and
- Involve all stakeholders in the engagement process and obtain feedback which could be used to inform the final Warburton UDF.

An extensive program of engagement with the broader Warburton community was undertaken during the exhibition period to achieve the above objectives as further described under Community engagement below.

Key Issues

Community Feedback - Summary

Of the 1856 comments received as part of the public exhibition of the Warburton UDF:

- 151 comments relate to Precinct 1 (Warburton Gateway)
- 446 comments relate to Precinct 2 (Yarra Town Centre)
- 166 comments relate to Precinct 3 (Warburton Recreation)
- 242 comments relate to Precinct 4 (La La Town Centre), and
- The remaining 851 comments were general and related to all precincts or the project in general.

Given the extensive level of feedback provided, the commentary has been categorised into 10 key themes discussed below (based on frequency).

1. Process – including the role of 'urban design' in a 'rural township'; confusion regarding the draft nature of the project; and the degree of consultation undertaken.
2. Parking and Access – including the need for more car parking in Warburton; the provision of too much car parking; and access out of the township in an emergency event.
3. Built Form – including three storey built-form; more protection of the heritage and streetscape character, and redevelopment of the Sanitarium site.
4. Facilities – including colocation of all township sporting uses; individual needs of each sport to be considered, and provision for more public toilets and bins.
5. Emergency Management – including consideration of existing emergency management procedures; community safety concerns arising from any increase of activity and provision of fire refuge facilities.

6. Environment – including Climate change risks and impacts; protection of wildlife, fauna and flora and management of the Yarra River.
7. Tennis Courts – including relocation from existing location's heritage overlay and perceived loss of existing facilities.
8. Pedestrian Accessibility – including safe crossing of the main street; improved footpath network and safe access to public amenities.
9. Character and Indigenous Heritage – including protection of views to surrounding hills; potential 'suburban aesthetic' instead of existing character and keeping Warburton as it currently is. As well as engagement with Indigenous people and use of indigenous plant species in projects.
10. Smart Cities – including concern if surveillance technology were to be introduced and scepticism around 20-minute neighbourhoods policy.

A review of the comments including breakdown by theme and precinct is included at Attachment 4 of this report – *Warburton Urban Design Framework Community Engagement Report*.

Key Community Issues and Responses

The following section outlines the key issues/suggestions raised under each theme, key comments underpinning the issues and an officer response and changes proposed to the Warburton UDF. Any proposed changes have also been identified in Attachment 2 - Marked Up Draft Warburton Urban Design Framework.

An overview is shown below, and a more detailed analysis of all the key issues raised under each theme is included as Attachment 5 - Warburton Urban Design Framework Engagement Feedback Report.

- Process

There were 408 comments received on process. The commentary related to:

- the Consultation and Engagement Process: the duration, extent and variety of engagement options were broad however some wanted further consultation
- Urban Classification and Terminology: While Warburton is a township in a rural setting, the centre itself is a built up area contained within its own Urban Growth Boundary, hence the terminology and use of an Urban Design Framework as a tool are both correct and appropriate in accordance with industry guidelines.

This feedback has been assessed and one change is proposed to the Warburton UDF:

- a) Include a Glossary as part of the final Warburton Urban Design Framework

A glossary was added through the consultation and engagement period. This glossary was provided as a guide to the interpretation of commonly used place making, urban design, and planning terms within the Warburton UDF. This glossary is now included as part of the final Warburton UDF.

- Parking and Access

There were 369 comments received on parking and access that included vehicle movement. The feedback has been assessed and there are no changes proposed to the final Warburton UDF to address matters raised.

Concerns were raised regarding the potential environmental impact of proposed car parking. The UDF proposes improving existing parking which does not manage environmental risks. The proposed projects include permeable paving and biofiltration garden beds to several carparks, which minimises run off and protects waterways from litter and pollution, and reduces the visual impact of parking areas. This improves the environmental outcomes in Warburton.

Some feedback was focused on Warburton Highway which is the responsibility of the Department of Transport and Planning. Council has the ability to advocate for projects within the Warburton UDF, to advocate for improved outcomes with Department of Transport and Planning.

It was also noted that an increased amount of car parking has been proposed within Warburton through the Warburton UDF. The proposed car parking is in direct response to Priority 5 – Parking, Traffic and Transport solutions within the Warburton Place Plan, specifically Action 5.1 – Parking Solutions, and Action 5.3 – Traffic Movement and Innovation. The final Warburton UDF seeks a balanced approach by identifying parking solutions for peak periods that do not erode the character of the township, and presents a program of possible short, medium, and long-term projects for delivery. Additionally, local transport solutions have also been proposed to work cohesively with parking areas, to alleviate traffic pressure during events, emergencies, and peak tourism periods.

All feedback has been assessed and there are no changes proposed to the final Warburton UDF to address matters raised.

- Built Form

There were 249 comments received on Built Form. The comments relate to Built Form Height; Built Form Development and Heritage. This feedback has been assessed and three changes are proposed to the Warburton UDF:

- a) Update 3D perspectives with illustrations that better reflect the desired built form character and heritage of Warburton, and show activities the community had sought in the spaces.
- b) Remove the walkways connecting the accommodation buildings to the Sanitarium.

- c) Update to more accurately reflect the historic turntable location and confirm through future detailed design.

Additional feedback was also received regarding the building heights and design guidelines contained within the Warburton UDF. The existing Planning Controls (DDO12) state:

“Building heights should not exceed two storeys (7.5 metres). A third level may be permitted where the overall height of the building will match that of an adjacent building or where it is set back so as not to be easily discernible from the opposite side of the street.”

The final Warburton UDF guidelines will inform more detailed and specific planning scheme controls (to be implemented through a separate future Planning Scheme Amendment) to ensure improved built form outcomes in the future.

- Facilities

There were 230 comments received on facilities. The commentary relates to the range of facilities proposed within Warburton as part of the final Warburton UDF. Specific commentary relates to the Skate Park and Public Toilets. This feedback has been assessed and two changes are proposed:

- a) Retain the Skate Park in Precinct 2 with further investigation to be undertaken when the Warburton Recreation Reserve Master Plan is undertaken in the future.

The community engagement revealed the history and community contribution to the existing location, offering some helpful insights that led to consideration of better integration of the skate park into the centre.

- b) Incorporate a public toilet in Precinct 2 as part of Warburton Rail Trail Space Animation, which seeks to improve movement and community amenity next to the trail and old station areas.

- Emergency Management

There were 166 comments received on Emergency Management. The commentary relates to Emergency Management Plans and Places of Last Resort.

Under the *Emergency Management Act 2013* (the Act) Municipalities must establish a Municipal Emergency Management Planning Committee (MEMPC) which is responsible for the preparation and review of a Municipal Emergency Management Plan (MEMP). The MEMPC is a multi-agency committee with comprehensive representation from relevant agencies within the emergency management sector. The MEMP details general preparedness, response (including relief), and recovery arrangements across all hazards within the borders of the municipality. Hazard specific arrangements are covered within sub-plans to the MEMP. Sub-plans are generally prepared by the relevant control agency (e.g.: Victoria State Emergency Service for our Municipal Storm and Flood Emergency Plan), in conjunction with the

Yarra Ranges emergency management team. The Yarra Ranges MEMP was reviewed and endorsed in March 2023.

The draft Warburton UDF considered and addressed Emergency Management through referral of the draft framework to the Country Fire Authority (CFA) referrals team in their head office, and internal referral to relevant departments. They offered several relevant recommendations as follows:

- Integrate bushfire resilience into the guidelines:

An action already exists in the Warburton Place Plan on this topic and will be part of any community resilience planning which is already underway.

- Incorporate bushfire design criteria:

The National Construction Code and the Yarra Ranges Planning Scheme are the primary reference for any bushfire planning and are regularly updated to meet increasing requirements. This includes siting, vegetation, construction details and building materials. Duplicating this into the UDF could result in out-of-date guidance. All projects will rely on the most current industry requirements at the time of their design and development rather than lock this in now.

- Precinct 3 Warburton Recreation Reserve

CFA's feedback adds a layer of detail that goes beyond the general guidance of a UDF and is more relevant to the detailed design and masterplanning of the Recreation Reserve. This information will be used by Council in developing any concepts for this area, as well as being re-referred to CFA during the design process.

- Designated Water Points

Concerns regarding any impeding of water points have already been addressed through the retention of the skate park in its current location and updates to the design to the Thomas Avenue turning area which have been updated in consultation with CFA. Council will continue to coordinate with CFA on any projects to make sure they are informed by their operational requirements.

- Electric Vehicle Charging Stations

The guidance provided is already consistent with current Council principles for planning and delivery of EV Charging stations, which have been previously informed by CFA

- Dimension of fire fighting vehicles

A broader discussion is proposed with Department of Transport and Planning around future requirements for emergency vehicles, however the UDF already proposes improved vehicle movements and aims to reduce causes of congestion and dead ends.

- Community Fire Refuge

The proposed pavilion at the Recreation Reserve has been carefully planned to reduce the fire risk of the current pavilion through improved siting and updated construction approach. In addition, its integration of a broader suite of functions will make it an ideal candidate to be considered as a Community Fire Refuge, however the concept is very preliminary and will be developed further with community, clubs and CFA as well as any other relevant stakeholders to maximise its value to community.

- Fire station access/ egress

Improved access and local vehicle movement has been proposed in the UDF to reduce congestion and pinch points that create obstructions in peak periods. These design solutions have improved reliability of volunteer access to the fire station.

Improved vehicle movement will assist in more orderly egress, and future individual planning permit assessments must meet the requirements of the CFA. Any plans to change residential zoning would need to carry out a comprehensive Bushfire Assessment which require implementation through a Planning Scheme Amendment and would likely be tested by experts at a Planning Panel.

The Warburton Place Plan includes an action which originated from community requests during that consultation, which outlines the Warburton community's desire to develop a community-led Emergency Safety Plan as follows:

Action 4.5 – Emergency Safety Plan

Facilitate a coordinated community and agencies safety plan for emergencies and peak fire risk periods.

This is an issue of high importance to both Council and community and Council will be implementing numerous Fire Preparedness activities across the municipality to assist community in preparing for the coming and future bushfire seasons. Neighbourhood Safer Places will also be considered and planning for Warburton will be aligned with the nearby Yarra Junction which is a designated Secondary Relief Centre in emergencies. A Place Plan is currently being developed for Yarra Junction which will assist in identifying actions that will enhance the value and role it plays in the broader Upper Yarra context. There are numerous continuing opportunities to address emergency in projects and planning that sit outside the remit of the Warburton UDF.

- Environment

There were 160 comments received on the theme of Environment. The comments relate to the Warburton Environment and specifically the Yarra River. This feedback has been assessed and environmental considerations are considered to be well embedded in each of the design approaches. The final Warburton UDF proposes numerous projects that seek to improve water quality

of runoff from sealed surfaces through Water Sensitive Urban Design initiatives as well as initiatives that seek to increase community connection to the Birrarung / Yarra which is consistent with the objectives of the *Yarra Strategic Plan (Burndap Birrarung burndap umarkoo) 2022–2032*. Improved pedestrian and cyclist movement will encourage low emission transport options, and improved tree canopy offers greater carbon capture and enhanced habitat values. No change is proposed.

- Tennis Courts

There were 134 comments received on the Tennis Courts. The comments relate to the relocation and expansion of the Warburton Tennis Courts and access to the courts for all of the community. The feedback regarding the tennis courts was primarily from current users who were concerned regarding the loss of existing facilities. The final Warburton UDF proposal has responded to this feedback, replacing the existing two courts with a future four new compliant courts within the Warburton Recreation Reserve, as well as new facilities including a shared pavilion, larger car parking areas, and a shelter to provide a shaded and weather-protected viewing area.

The concept for the spaces around the existing swing bridge and pavilion area proposed within the final Warburton UDF provides increased community access to the heritage listed tennis pavilion, improved through-movement for vehicles along Thomas Avenue, and an additional high quality public open space area adjacent to the Swing Bridge, which has the potential to include seating, tree planting, walking, and cycling paths, and outdoor dining facilities.

This feedback has been assessed and will be considered through other Council projects that will enhance the tennis provisions within Warburton. No change is proposed.

- Pedestrian Accessibility

There were 68 comments received on Pedestrian Accessibility. The comments relate to Pedestrian Movement and Access and Universal Accessibility. This feedback was very consistent with the analysis carried out early in the draft Warburton UDF planning stages and was strongly aligned with the projects and initiatives already outlined in the draft Warburton UDF, with numerous improvements proposed to access and inclusion throughout the centre and enhanced pedestrian connections. No change is proposed.

- Character and Indigenous Heritage

There were 66 comments received on Character and Indigenous Heritage. The comments relate to Character and Indigenous Design and Heritage. One change is proposed to the final Warburton UDF to further address these matters.

- a) Update the 3D perspectives with hand drawn illustrations to better represent the desired built form character and heritage of Warburton.

- Smart Cities

There were six comments received on the theme of Smart Cities and 20-minute Neighbourhoods. These are State Government policies and in the case of 20-minute Neighbourhoods is also included in the Yarra Ranges Planning Scheme. The feedback has been considered and no change is proposed.

Community feedback on proposed places

Community were asked to identify which projects of the 15 proposed places (concept designs for site specific locations) were the most important and should be prioritised for delivery. Community support was strongest for prioritised delivery of the following projects:

Dolly Grey Activation (Precinct 1)

A gateway car parking area with 44 car parks with supporting pedestrian and cycling links to the main centres of Warburton through the Warburton Rail Trail and river trail, as well as future connections into the Warburton Mountain Bike Destination (WMBD) trail network. Forty-five per cent (45%) of respondents prioritised the progression of this project.

Memorial Park Activation (Precinct 2)

This park provides an elevated open space interface with the commercial strip and provides distant views of Mount Donna Buang. Enhanced connectivity to and through this open space will address existing difficulties in movement, with a particular emphasis on fully accessible paths and usable spaces. Forty-five per cent (45%) of respondents prioritised the progression of this project.

Car Parking (Precinct 3)

Provision of formalised car park areas in and around the Warburton Recreation Oval. Thirty-one per cent (31%) of respondents favoured this aspect for early delivery.

Warburton Sanitarium Redevelopment (Precinct 4)

Large redevelopment site with State level heritage significance and protection in the Yarra Ranges Planning Scheme. Potential to activate the Yarra River interface and enhance the existing heritage values of the site while introducing short stay accommodation and function space to support local economy and alleviate housing stress. A strong sixty-seven per cent (67%) of respondents prioritised progression of this project.

Other feedback

Many submissions were provided that were not related to the specific ideas within and/or intent of the Warburton UDF. Whilst important, they are beyond the scope of the Framework to resolve. These include provision of rubbish bins and toilet blocks or land outside of the framework boundary or concerns with existing planning

scheme policy and provisions. Where appropriate these comments have been forwarded to relevant Council departments for further consideration.

Unfortunately, in addition to the above, some of the comments received were inappropriate and not relevant to the Warburton UDF discussion. Some of these items include (but are not limited to): personal interests of Council Officer's involved in the project, personal insults/threats or included items/statements with little or no description.

All feedback on the draft Warburton UDF has been taken into consideration, and where changes to the content and recommendations could be accommodated the final proposed UDF has been updated.

Options considered

The following options have been considered (within the context that some feedback received was not directly related to the project).

Option 1 - Adopt the Warburton Urban Design Framework with no changes as exhibited.

The community consultation process highlighted several changes that should be considered for incorporation into the final Warburton UDF. The final Warburton UDF could be adopted as exhibited with some of the suggestions held in abeyance until the master planning of key projects is undertaken in the future. The risk in adopting the draft Warburton UDF as exhibited may alienate the community who would likely feel that the consultation process was insincere, and this may jeopardise future engagement.

Option 2 - Adopt the Urban Design Framework with proposed changes.

The incorporation of key changes to the final Warburton UDF as recommended within this report, as well as identifying how other issues can be resolved at a later date, will enable the progression of the project and reflects a response to the community engagement received. Matters raised through feedback that cannot be resolved through the final Warburton UDF itself, will act as the starting point to drive detailed design responses at a master planning stage.

Option 3 - Defer adoption of the Warburton Urban Design Framework.

Concerns around how the draft Warburton UDF aligns with an approved Emergency Management Plan was raised as a common issue in feedback.

Yarra Ranges already has an endorsed Emergency Management Plan developed with relevant authorities. All projects in the UDF would already need to be aligned with State policy around emergency and require permits through referral to the relevant authorities. Deferring the progress of the final Warburton UDF to develop a new model of place-specific Emergency Management Plan would not change these requirements and rigour. The final Warburton UDF only discusses projects at a high level and these projects will require more detailed master planning to ground truth the design and layout. Site specific emergency requirements would be assessed for each project under the advice of CFA. Both masterplan designs and detailed

emergency management plans will be presented to the community as part of future consultation.

Option 4 - Abandon the Warburton Urban Design Framework.

This option would see the continuation of existing issues and concerns raised by community during the Warburton Place Plan process, and the loss of a comprehensive framework to address existing problems/issues within the township. It will result in projects continuing to be delivered in Warburton in an ad-hoc manner and without integration and consideration of the Township as a whole along with creating potential inefficiencies and lost opportunities.

Recommended option and justification

It is recommended Option 2 be pursued. This will enable the finalisation of the Warburton UDF that includes and addresses community issues and ideas. This will help to inform Council decision making in Warburton to improve development outcomes and to develop a pipeline of agreed projects, within the context of the community's voice.

FINANCIAL ANALYSIS

As reported to Council on 13 December 2022, no capital funding (Council funding) is committed to any projects proposed within the final Warburton UDF. Any future funding streams required to establish new buildings, public realm projects, streetscape projects, or undertake upgrades of an existing building/place/infrastructure including design, architectural, surveyor and permit costs; site preparation costs; project management costs; construction costs; and other associated costs will rely on future funding streams including, but not limited to, capital works and available grants.

A detailed breakdown of each project, their probable cost based on November 2022 value, and source of funding was presented to Council and made available in Section 6 of the final Warburton UDF. However, timing and delivery of these projects will impact upon the total value of the project - in some cases increasing their cost and others decreasing their cost.

The timing of some projects may require significant pre-planning, authority approvals and complex documentation, such as any arterial corridor works and the creation of the Warburton Recreation Reserve Master Plan. These major development projects would anticipate delivery timeframes potentially beyond 10 years. The remainder of projects, by comparison, are simpler and would be able to be scheduled once funds and resourcing become available.

The final Warburton UDF provides Council with a thorough evidence-based document to help prioritise and justify the delivery of remaining key capital works projects. The framework will also provide Council with the opportunity to present shovel-ready projects as candidates for any external funding grants that might be on offer, including those with short application timeframes.

APPLICABLE PLANS AND POLICIES

The final Warburton UDF meets the following Strategic Objectives of the *Council Plan 2021-25*:

- Connected and healthy communities — Communities that are safe, resilient, healthy, inclusive, and socially well connected and where quality services are accessible to everyone.

By providing an overarching design framework that connects built form, services, and public realm areas for the Warburton Town Centre.

- Quality community infrastructure and liveable places — Quality facilities and infrastructure that meet current and future needs. Places are well planned hubs of activity that foster well-being, creativity, and innovation.

By identifying projects needed within Warburton to help meet demand for infrastructure and facilities from residents and visitors.

The final Warburton UDF framework also supports Goal 4 of the Council's Health and Wellbeing Strategy, which is that Yarra Ranges be recognised for its healthy, accessible places to live, work and visit. Additionally, the framework is consistent with the objectives and aims of the following Yarra Ranges Council plans and policies including:

- *Warburton Place Plan 2021*
- *Liveable Climate Plan 2020-2030*
- *Integrated Transport Strategy 2020-2040*
- *Economic Development Strategy 2022-2032*

Victorian Government Housing Statement

On 20 September 2023, then Premier Daniel Andrews released Victoria's *Housing Statement: The decade ahead 2024-2042* to address housing supply in Victoria with a target to build 800,000 homes in the next decade, partly on the basis that building more homes will increase affordability.

The statement covers the following areas:

- Good decisions made faster
- Cheaper housing, closer to where you work
- Protecting renters' rights
- More social housing

- A long-term housing plan

It also proposes a number of planning system reforms under each. It should be noted that a number of these will require further planning scheme amendments or legislative change to come into effect.

Of most interest and relevance to the final Warburton UDF are the following items:

- Unlocking new spaces to build across suburbs including government land through rezoning surplus land with a target of 10 per cent of affordable housing at each site.
- Building more homes closer to services, transport and where people work.
- Support institutional investment (investors who build to sell).
- Strengthen design standards.
- Introduce a short stay levy of 7.5 per cent for short stay accommodation to go towards building and maintaining social and affordable housing.
- Invest in the Affordable Housing Investment Partnership program that provides low interest loans to finance social and affordable housing.

The objectives and recommendations of the final Warburton UDF are closely aligned with these actions and will support investigation of future housing options.

RELEVANT LAW

The final Warburton UDF has been developed in accordance with the provisions of the *Planning & Environment Act 1987*, the Victoria Planning Provisions, and the Yarra Ranges Planning Scheme to ensure that any guidelines or proposed outcomes align with the intent of this legislation and policy.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The actions and proposed design solutions within the final Warburton UDF, such as improved accessible streetscapes, outdoor dining opportunities and new commercial/accommodation/retail sites), foster positive investment for Warburton by diversifying economic and retail activity supporting business growth, and providing employment opportunities.

Social Implications

The actions and proposed design solutions for public realm areas and integration of social infrastructure, such as the Warburton Recreation Reserve area, improves the

accessibility of the services provided, thus fostering better community connections and overall improved community health outcomes.

Environmental Implications

The final Warburton UDF has taken into consideration the high quality natural and landscape features of Warburton into the development of actions and proposed design solutions, including significant views and vistas, drainage and water runoff, and vegetation types. Complementing these features has been the introduction of sustainable transport and technology opportunities within the Warburton Township.

Active transport and zero emissions transport options are also supported by the final Warburton UDF. The Framework also strengthens residential development opportunities within a walkable catchment of the commercial centres and increases microclimate outcomes through improved landscape treatments. Water Sensitive Urban Design solutions will enhance stormwater quality and waterway health.

COMMUNITY ENGAGEMENT

In preparation for the draft Warburton UDF being exhibited, the initial draft was informed by engagement undertaken for the Warburton Place Plan in 2019 and 2021 and meetings with key stakeholders throughout 2022.

The final Warburton UDF has been prepared based on the feedback received during the extensive program of community consultation carried out between 16 December 2022 and 12 March 2023 as part of the formal public exhibition of the document.

The proposed engagement activities were endorsed by Council on the 13 December 2022, and included:

- Media - Media release 16 December 2022.
- A Shaping Yarra Ranges Webpage (HIVE) – launched 16 December 2022 that had 3,185 unique visitors, and 2,149 downloads of the documents and associated information.
- A digital project alert – received by 1593 people who registered with tags of Warburton and/or Urban design on the Shaping Yarra Ranges digital platform.
- Social Media – ongoing throughout December 2022 until February 2023.
- Audio Visual – Photography, Visuals and Diagrams. All project documentation, Frequently Asked Questions and introductory video were promoted on the Shaping Yarra Ranges website and Council's social media channels.
- Direct mail – undertaken for State Government Agencies – 20 December 2022.
- Internal communications – Staff bulletin, internal workshops – throughout January and February 2023.

- Four drop-in sessions at the Warburton Mechanics Hall on 6 February, 14 February, 22 February and 6 March 2023 that were attended by more than 200 people.
- An online webinar for property owners, business owners and community members on 1 March 2023 that has been viewed over 170 times.
- A feedback survey of the project – that resulted in 233 contributions (207 online and 26 hard copy).
- Project information posters – placed throughout Warburton shopfronts and community noticeboards notifying the drop-in session and webinar times, and
- Stakeholder Meeting/s – presentation and question and answer sessions for key stakeholders on 1 February, 6 February, and 22 February 2023.

Additionally, during the consultation period the Warburton UDF:

- Was profiled in six local paper news articles – between December 2022 and April 2023.
- Had a glossary of key terms produced – included as Section 7 of the final Warburton UDF document.
- Had nine A1 sized summary Project Panels prepared – that were used at drop-in sessions and community group meetings.
- Had a summary Warburton UDF prepared for interested community members to take home. These were available at Drop-In sessions and from the Yarra Junction Community Link.

The above consultation resulted in 1856 comments for the draft Warburton UDF.

It should be noted that some of the original planned engagement activities were unable to be fulfilled or had to be rescheduled/modified due to anti-social behaviour presented to Councillors and Council Staff at various times throughout the consultation period.

For future Urban Design Frameworks, staff will prepare a mail drop to all local residents and property owners and will also have an introductory video organised for the launch of the consultation period which introduces the project and explains what is proposed.

This issue and further details of the consultation undertaken are provided in the *Warburton Urban Design Framework Community Engagement Report* (Attachment 4), and *Warburton Urban Design Framework Engagement Feedback Report* (Attachment 5).

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The development of the final Warburton UDF has relied on a mix of previous engagement undertaken for the Warburton Place Plan and updated following more recent extensive community consultation.

State Government agencies/departments were invited to provide comment on the draft Warburton UDF including:

- Melbourne Water
- Department of Transport & Planning
- Department of Jobs, Skills, Industry & Regions
- Yarra Valley Water
- Country Fire Authority (CFA)
- Heritage Council Victoria
- SP Ausnet, and
- the Wurundjeri Land Council.

The CFA, Heritage Victoria, Melbourne Water, and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) all provided submissions. A meeting was also held with the 20 Minute Neighbourhoods team at Department of Transport and Planning, but no written submission was provided. All agency submissions were reviewed with most noting the draft Warburton UDF and providing support for the strategic work, recommending that they be reengaged when more detailed planning work is undertaken.

AusNet, Department of Environment, Land, Water and Planning (Environment) (now Department Energy, Environment and Climate Action), Department of Environment, Land, Water and Planning (Planning) (now Department of Transport and Planning), Department of Jobs, Precincts and Regions (now Department of Jobs, Skills, Industry and Regions), Department of Transport (now Department of Transport and Planning) and Yarra Valley Water were sent letters on two occasions but did not provide a submission.

The final Warburton UDF has also been guided internally by a Project Working Group which included input from the following teams: Statutory Planning; Strategic Planning; Place Recovery; Community Development; Economic Development; Infrastructure Development; Transport Engineering; Recreation and Leisure; Indigenous Development; Gender Equity; Disability Inclusion; Waste Management; Emergency Management; and Communications and Engagement.

The project team has also met with and briefed Council's Disability Advisory Committee, Positive Ageing Reference Group and Youth Advisory Group.

RISK ASSESSMENT

The final Warburton UDF provides the necessary evidence-based context to decision making by identifying key capital works projects for upgrade or construction. The framework's holistic approach will assist in informing a wide range of Council service delivery areas of the specific opportunities and challenges to consider in the Warburton area and maximise Council's response to the Community's expectations.

Failure to deliver the framework will result in Council's expenditure of capital works projects being undertaken in an ad hoc manner, which does not consider the net benefit of both Council's resources and the community's expectations.

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*.

ATTACHMENTS TO THE REPORT

1. Warburton Urban Design Framework Summary Document
2. Marked Up Draft Warburton Urban Design Framework
3. Proposed Final Warburton Urban Design Framework
4. Warburton Urban Design Framework Community Engagement Report
5. Warburton Urban Design Framework Engagement Feedback Report

MONBULK URBAN DESIGN FRAMEWORK – POST-CONSULTATION AND CONSIDERATION

Report Author: Senior Urban Designer; Manager Design and Place
 Responsible Officer: Director Planning & Sustainable Futures
 Ward(s) affected: Chandler, Lyster

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

The draft Monbulk Urban Design Framework (Monbulk UDF) was previously reported to Council on 13 December 2022. The Framework provides practical design solutions to realise the intent of the design, development, and public realm actions within the Monbulk Structure Plan.

At its meeting on 13 December 2022, Council resolved to place the draft Monbulk UDF on public exhibition between 16 December 2022 and 12 March 2023, in line with the proposed Communications and Engagement Plan. The comprehensive engagement undertaken has resulted in extensive Community feedback, with 448 submissions composed of 2,303 comments, which has been assessed and documented within this report. The relevant feedback has then been utilised to develop a final version of Monbulk UDF.

This report provides Council an overview of the feedback from the Community Consultation and how this is has informed the preparation of the updated version of the Monbulk UDF, which is recommended for formal adoption.

RECOMMENDATION

That Council

- 1. Note the findings from community consultation and the changes shown in Attachment 2 – Marked Up Draft Monbulk Urban Design Framework.**
- 2. Adopt the Monbulk Urban Design Framework generally in accordance with the Attachment 3 - Proposed Final Monbulk Urban Design Framework.**
- 3. Write to submitters to thank them for their engagement and advise them of the outcome of the Council Meeting.**

RELATED COUNCIL DECISIONS

At its meeting of 28 November 2017 Council

- Adopted the Monbulk Structure Plan
 - Which provided the future land use layout and desired structure of Monbulk. The final Monbulk Urban Design Framework provides design guidance to achieve this.

At its meeting of 13 December 2022 Council resolved:

That Council

1. *Support the Draft Monbulk Urban Design Framework to be placed on public exhibition between 16 December 2022 and 12 March 2023; and*
2. *Note that findings from the community feedback and proposed amendments to the Draft Monbulk Urban Design Framework will be presented at a future Council meeting.*

DISCUSSION

Purpose

The purpose of this report is to provide an overview of community feedback on the exhibition of the draft Monbulk UDF following public exhibition which occurred between December 2022 and March 2023.

The report also explains how the community engagement activities undertaken for the draft Monbulk UDF responded to the Communications and Engagement Plan reported to Council prior to engagement commencing.

Finally, this report presents a finalised version of the Monbulk UDF identifying changes based on analysis of that feedback for Council adoption. Attachment 1 – *Monbulk Urban Design Framework Summary Document* provides an overview of the Framework, describes the purpose and process undertaken, and highlights some of the key issues raised as part of the consultation and engagement process.

Background

Between 2014 and 2017 the Monbulk Community participated in several engagement activities to share their aspirations for the future of Monbulk. This was captured in the development of the *Monbulk Community Plan 2015-2020* and embedded into the more expansive *Monbulk Structure Plan* adopted by Council in 2017.

The Monbulk UDF builds upon the vision and strategic direction of the Monbulk Structure Plan by providing practical design solutions to realise the intent as a suite of deliverable projects and proposed controls to guide private investment in the Monbulk Town Centre. The Monbulk UDF will also assist Council decision making in

the areas of development, infrastructure and programs for Central Monbulk that aligns with community needs.

Monbulk Town Centre has an existing Design and Development Overlay (DDO12 – Town Centres: Healesville, Monbulk, Seville, Warburton, Yarra Glen and Yarra Junction) which contains design requirements to enhance the built form and streetscape characteristics of Monbulk. This includes limiting building height to no more than three storeys, protecting views from the Main Street to the surrounding hills and avoiding development that has blank walls and a big box structure amongst other specific design provisions.

The Monbulk UDF will assist in further improving built form outcomes and inform a future Design and Development Overlay which specifically applies to Monbulk, to be undertaken through a subsequent Planning Scheme Amendment, to ensure that future built form respects, and enhances the character of Monbulk. Any proposed controls will work within the existing height limits already in the Planning Scheme, and will not increase heights.

The implementation of the Monbulk UDF is underpinned by the town centre being considered as three separate (yet integrated) geographic areas that have their own similar characteristics, referred to as precincts.

These three precincts are:

1. Main Road – essentially all land that has frontage to Main Road between Monbulk Road and Moxhams Road (excluding the Monbulk Living & Learning Centre and Monbulk Primary School);
2. Moores Road – the original soccer reserve and adjoining public land and open space areas (including the Monbulk Bowling, Netball and Tennis Clubs) along Moores and Mount Pleasant Road; and
3. Monbulk Civic – the cluster of community land uses anchored by the Monbulk Living & Learning Centre, Monbulk Primary School and Monbulk Recreation Reserve.

The Monbulk UDF was presented to Council in draft form at its meeting on 13 December 2022, and the associated report includes a detailed description of the document structure.

Council authorised at this meeting to undertake public exhibition of the draft Monbulk UDF in line with the proposed Communications and Engagement Plan. The consultation period was undertaken over 14 weeks between 16 December 2022 and 26 March 2023, with the more intensive activities occurring in February and March. This was originally extended by two weeks at the 13 December Council meeting then extended a further two weeks during consultation in response to community confusion stemming from misinformation being circulated by other parties.

A total of 448 submissions were received which included 2,303 unique comments and points of feedback from the community. All comments have been reviewed and where relevant have been considered in the recommended changes to the Monbulk UDF.

Key Dates

- December 2014: Monbulk Community Plan 2015-2020 finalised.
- November 2017: Monbulk Structure Plan adopted by Council.
- January 2022 – October 2022: Monbulk UDF drafted.
- December 2022: Draft Monbulk UDF supported by Council for public exhibition.
- December 2022 – March 2023: Public exhibition of draft Monbulk UDF
- April 2023 – June 2023: Review of public submissions and comments to the draft Monbulk UDF.
- July 2023 - September 2023: Update of draft Monbulk UDF incorporating relevant community feedback.

Public Exhibition - Overview

The objectives of the public exhibition (as reported to Council on 13 December 2022) were to:

- To inform the Monbulk Community about the development of the Monbulk UDF.
- To educate stakeholders and the Monbulk Community on what an Urban Design Framework is and why it is needed for the area.
- To explain how previous community consultation (the Monbulk Community Plan and Monbulk Structure Plan) has influenced the Monbulk UDF.
- To involve as many stakeholders as possible in the engagement activities, and
- To seek feedback which will be used to inform the final version of the Monbulk UDF.

An extensive program of engagement with the broader Monbulk community was undertaken between December 2022 and March 2023 to achieve the above objectives. This includes:

- Mailout – 1,942 letters were mailed out to property owners in the Monbulk area to inform the community about engagement.
- Five drop-in sessions at the Monbulk Living & Learning Centre – attended by more than 300 people.
- Targeted Engagement – with business property owners/tenants with over 30 people.
- A Shaping Yarra Ranges Webpage for the Monbulk UDF – that had 7,846 unique visitors, and 3,517 downloads of the documents and associated information.

- A project overview video – that was promoted on the Shaping Yarra Ranges website and Council's social media channels.
- A feedback survey of the project – that resulted in 411 contributions (386 online and 25 hard copy).
- A one-hour online webinar presenting the Monbulk UDF - that has been viewed over 30 times.
- Public Display – of 10 A1 size display panels of the project continuously at the Monbulk Living & Learning Centre, and
- Project information flyers – placed throughout Monbulk shopfronts and community noticeboards notifying the drop-in session and webinar times.

Additionally, the Monbulk UDF:

- Was profiled in the local paper news three times – between December 2022 and April 2023.
- Had a glossary of key terms produced – included as Section 7 of the Monbulk UDF document.
- Was workshopped with key community members – at the MADCOW (Monbulk and District Community Opportunities Working group) meeting on 27 February 2023.
- Had summary Monbulk UDF documents prepared – for interested community members to take home – available at Drop-In sessions and from the Monbulk Living & Learning Centre, and
- Had an addendum to the Monbulk UDF prepared – to focus discussion on four potential redevelopment options for the former Monbulk Soccer Pitch on Moores Road.

The above consultation resulted in 2303 comments for the Monbulk UDF.

Community Feedback - Summary

Of the 2303 comments received as part of the public exhibition of the Monbulk UDF:

- 591 comments relate to Precinct 1 (Main Road)
- 675 comments relate to Precinct 2 (Moores Road)
- 557 comments relate to Precinct 3 (Monbulk Civic), and
- The remaining 637 comments related to all precincts or the project in general.

Given the extensive level of feedback provided, the commentary has been categorised into 20 key themes based on frequency, with a selection of key issues/suggestions highlighted below, noting more comments were included in the overall feedback and have been outlined in Attachment 4:

1. Building Form & Height – the potential future height of buildings, the amount of potential development and the potential amenity impacts from new development.
2. Open Space Needs – ideas for open space activities, and the location of open space areas.
3. Transport Network – concerns around proposed traffic thoroughfares, ideas on ways to improve traffic safety and requests for additional projects.
4. Tennis/Netball Club – the commentary relates to future location of the Monbulk Tennis Club and Monbulk Netball Club.
5. Village Green – the support of the proposal, concerns around adjacent development, and ideas for how to use the space.
6. Car Parking – an oversupply of car parking, an undersupply of car parking and suggestions for new car parking areas.
7. Accessibility – improved access throughout Monbulk, provision of cycling infrastructure and universal access consideration.
8. Village Character – all the commentary related to the particular ‘village/hilly/country’ feeling of Monbulk.
9. Public Realm – streetscape upgrades, treatment of the roundabouts and other design ideas.
10. Aged Care Needs – the opportunity and desire to age in place, the provision of a retirement village and/or aged care facility, and the design of the housing needed for the elderly.
11. Affordable Housing – potential social issues associated with affordable housing, availability of housing to Monbulk residents, lack of suitable diverse housing options for different life stages, and the provision of too much housing.
12. Pedestrian Crossings – the number of proposed pedestrian crossings, and impact of pedestrian crossings on traffic movements.
13. Private Amenity – the concerns relate to impact on day to day living from proposed Monbulk UDF projects.
14. Emergency Management – the potential increase in bushfire risk, and design for a place of refuge.
15. Environment – strengthening environmental outcomes, and loss of existing vegetation.
16. Sale of Public Land – the commentary is mostly concerned with the perception too much public land is being sold.
17. Population – all the commentary relates to concern that the Monbulk UDF is encouraging a large growth in population.

18. Funding – the concerns relate to cost of undertaking the proposed projects within the Monbulk UDF, and external funding sources.
19. Devaluation – all commentary was concerned with the perceived loss in value of private property, and
20. Off Subject Feedback – commentary not relevant to the ideas and/or intent of the Monbulk UDF, as outlined in page 27 of Attachment 5.

A review of the comments including breakdown per theme and precinct is included as Attachment 4 of this report – *Monbulk Urban Design Framework Final Community Engagement Report*.

Key Community Issues and Responses

The following section outlines the key issues/suggestions raised by theme, key statements underpinning the issues, and responses to the issue from officers that have resulted in a proposed change to the Monbulk UDF.

Where there are any applicable proposed changes to the Monbulk UDF these have been identified below and included in Attachment 2 – *Marked Up Draft Monbulk Urban Design Framework*.

A detailed analysis of all the key issues raised under each theme is included as Attachment 5 of this report – *Monbulk Urban Design Framework Key Issues Feedback Report*.

1. Open Space Needs

There are four changes proposed for the Monbulk UDF based on feedback on this theme, as follows:

- a) *Remove proposed St Georges Forecourt Redevelopment proposal from Monbulk UDF*
A local aged care and supported accommodation solution will be explored separately by the church and MADCOW.
- b) *Remove bouldering wall proposal from Monbulk UDF.*
It is still proposed that future consideration of options for this space consider use by children after school and activation when sporting activity is not occurring, however the bouldering concept was just one of many options. This will be undertaken as part of a future masterplanning exercise for the Monbulk Recreation Reserve.
- c) *Introduce a new Key Place Project that details provision of car parking adjacent to the Monbulk Skate Park.*
This area was identified as inefficient and created some risky interactions between vehicles and people crossing the reserve driveway.
- d) *Locate new pump track adjacent to McAllister Road.*
This suggestion from community had strong merit and would bring life and amenity to a currently underutilised part of the reserve. The topography supports an engaging pump experience.

2. Transport Network

There are six changes proposed for the Monbulk UDF based on Transport feedback.

- a) *Remove use of Haig Avenue as a traffic thoroughfare.*
Efficient and safe vehicle movement can be achieved through alternate measures including one-way flows towards David Hill Road (see below).
- b) *Bitumen seal the perimeter road of the Monbulk Recreation Reserve and provide one way traffic movement from Moores Road to David Hill Road.*
This will enable queuing within a less congested part of the reserve and alleviate the intensity of convergence at Moores Rd. Sealing will enable formalising car spaces to improve efficiency and facilitate the perimeter pedestrian track more easily.
- c) *Remove proposed bus bays for the primary school.*
The Primary School and clubs have confirmed these bus bays are not needed which frees up the main driveway area.
- d) *Include a sketch showing a modified 'T' intersection for the Main Road and Emerald-Monbulk Road intersection and include a footnote detailing further investigation of this intersection with the Department of Transport.*
There were extensive conversations about the difficulty of this roundabout and the safety of pedestrians trying to cross at any of the three roads. A different intersection configuration may address this but requires more detailed investigations with DTP.
- e) *Include a sketch showing a slip lane at the Main Road and Monbulk Road intersection.*
This is not a critical part of the Monbulk UDF and has been shown now as indicative only given the complexity of vehicle movements in this area.
- f) *Include provision for a slip lane on Main Road to facilitate right hand traffic movements into the Woolworths carpark.*
This is a valuable addition to the Monbulk UDF which will assist in orderly movement in and out of Woolworths carpark while also reducing queuing and congestion in this area.

3. Tennis / Netball Courts

There were several comments received on the theme around 'Tennis / Netball Courts' and four changes are proposed as a result.

- a) *Remove proposed housing from Monbulk Netball and Tennis Club sites.*
The concept was endorsed through the earlier Monbulk Structure Plan. however little detail was provided in the Structure Plan as to how this concept could be delivered. The Monbulk UDF sought to establish a design outcome that would achieve strong amenity and diversity outcomes, and at the higher level could be achieved. The timescale for this remains a longer-term proposal due to further work needing to be undertaken regarding the supply of housing in Monbulk and long-term viability of the sports clubs. As such this issue does not require resolution at this stage in the Monbulk UDF, it will be shown dashed and noted for future consideration.

- b) *Include a sketch option and footnote outlining future review of Monbulk Netball and Tennis Clubs sites for housing suitability.*

As above.

- c) *Highlight in the footnote that the provision of like for like facilities should be considered as part of the review.*

As above.

- d) *Highlight as a sketch the potential relocation of the tennis courts to the Monbulk Recreation Reserve.*

There is adequate space to accommodate the functional requirements of the tennis users within the existing Recreation Reserve. This would be the first step to achieve the above housing outcomes, and hence has been indicated as a future option in the Recreation Reserve.

4. Village Green

There was much discussion around the 'Village Green' which as a theme was strongly supported as a repurposing of the existing soccer pitch. Feedback primarily focused on the inclusion or extent of housing. The exhibited concept had already taken on board earlier community feedback and reduced the footprint, however there were also alternate views that strongly supported the new diverse and accessible housing outcomes.

It was clear from the feedback submitted that residents overall were happy for a level of housing to be provided adjacent to the Village Green (Options A, B & C in the Monbulk UDF Addendum). However, there was less clarity from the community regarding the amount of housing to be delivered. The amount of housing to be provided and what it could look like will be refined further with the community as part of the upcoming masterplanning phase of the Village Green.

Hence for the purpose of the Monbulk UDF, the main western housing has been retained, and the housing adjacent the bowls club pokies has been shown as dashed which enables future investigation as need arises. This area will not be embellished in the masterplanning of the Village Green and will remain basic grassed area.

5. Car Parking

This was a less dominant theme however comments still informed four changes as follows:

- a) *Identify car parking locations for permeable grid pavement treatment.*

Better stormwater management and protection of water quality entering waterways emerged as a theme, with this measure enabling stronger response.

- b) *Bitumen seals the perimeter road of the Monbulk Recreation Reserve and provide formalised spaces around the inner edge.*

This was discussed above and enables more efficient parking configurations and reduced footprint.

- c) *Introduce a new Key Place Project that details provision of car parking adjacent to the Monbulk Skate Park.*

This was discussed above and facilitates improved safety and amenity around the entrance.

- d) *Provide 90-degree angle car parking along the southern edge of the Monbulk Bowling Club laneway.*

This will support local use of the Village Green and possible market activity as well as visitor parking for housing developments and bowls club users.

6. Accessibility

There were a few comments received on the theme around 'Accessibility' however early engagement with Access and Inclusion and Positive Ageing groups meant many of the solutions in the draft Monbulk UDF were on track already. Hence only one change is proposed based on this feedback:

- a) *Remove dedicated bicycle lane option from Nugent Street and upgrade street to become cycling priority.*

Local residents identified the width limitations of the road carriageway along Nugent Street which makes the initial concept difficult to safely achieve.

The alternate Cycling Priority approach uses traffic calming and signage to improve awareness of cyclists and usability of this lower volume corridor as a cycle connection shared with vehicles.

7. Village Character

Much of the commentary provided on this subject related to the concerns that the Monbulk UDF was going to radically alter the 'village vibe' and 'hilly character' of the Monbulk Township.

The comments submitted were mainly misunderstandings underpinned from misinformation being circulated in the community during the consultation, including concerns about 20 Minute Neighbourhoods, COVID lockdowns, transition away from gas in residential developments, and installation of cameras at intersections, all of which are Victorian Government matters. This misinformation was contrary to Council officers explaining the existing controls and measures to protect character.

Once these misunderstandings were filtered, there was only one change needed, which was to update imagery to communicate the proposed controls and outcomes more effectively. This idea to update the imagery had been suggested by a few community members in discussions.

8. Public Realm

There was a strong desire to see the local floriculture more visible within the centre, and this was suggested as an option at the Main Street roundabout, which has now been updated in the Monbulk UDF.

9. Aged Care Needs

There was support for the need for local provision of Aged Care services however the inclusion of a possible site at St George's Church was premature and requires their own internal investigations which could be protracted. Hence this has been deleted from the plans, and separate discussions are continuing with MADCOW.

10. Affordable Housing

There was an interesting tension in community between strong desire amongst young people and older members who expressed a strong need for accessible and small footprint dwellings near the main street and within the community, while others were resistant to these housing outcomes especially those shown in the Monbulk UDF. Other submissions wanted to see dual occupancy and secondary dwelling options for properties further away from the Main Street which, at the time, was contrary to State policy and Council's Housing Strategy principles. In recent months the Victorian Government have announced substantial policy changes on these topics which may now make some of these options more achievable in Monbulk.

The concepts included in the draft Monbulk UDF were moderate and appropriate to the context, however some sites are likely to be a longer-term proposition. An analysis of the growth and demand for housing in Monbulk as it evolves over the coming years will likely determine if there is the need for more supply. Hence these sites have been shown dashed and annotated for future exploration. There was a lack of understanding of Council's limitations in controlling affordability and some concern expressed at the prospect of Social or Community Housing developments based on misgivings on social impacts and perceived threat of antisocial behaviour.

11. Pedestrian Crossings

There were some helpful suggestions on the crossings with four updates proposed as follows:

- a) *Remove proposed raised crossings at Monbulk Road and Main Road Roundabout – excluding Jordan Road.*
The volume and movement of vehicles creates sightline risks, and the low catchment of possible pedestrians indicated this roundabout could be refined to just the one primary crossing.
- b) *Make provision for one raised pedestrian crossing on Moores Road.*
This consolidated approach would still achieve improved outcomes for pedestrians.
- c) *Make provision for one raised pedestrian crossing on Main Road (south of the Baynes Park Road Roundabout).*
This would be part of an overall intersection investigation.
- d) *Propose addition of three speed humps along Nugent Street.*
This will assist with traffic calming and improving safety for cyclists and pedestrians.

12. Private Amenity

A landscape buffer in the Recreation Reserve of eight metres (8m) offset from the property boundary with 36 Haig Avenue has been added to the Monbulk UDF to support improved amenity for local residents.

Community feedback on proposed places

Community was asked which projects they would like to see prioritised for delivery first. Of the ten proposed places within the Monbulk UDF, community support was strongest for the following projects:

Village Green Redevelopment (Precinct 2) –

Creation of large passive open space area activated by a mix of uses including housing, retail, playground, and amphitheatre – with forty-nine percent (49%) of respondents supporting prioritisation of this project.

Monbulk & Main Road Intersection Activation (Precinct 1) –

Main gateway entrance into Monbulk Township with 16 car parks and slip lane created – with forty-three percent (43%) of respondents supporting progression of this project as a priority.

Monbulk Recreation (southeast) Revitalisation (Precinct 3) –

Extension of the open space area to the southeast. Activated with a mix of uses including pump track, bouldering wall, outdoor gym and half basketball court – with thirty-five percent (35%) of respondents supporting progression of this project as a priority.

Main Road Streetscape Revitalisation (Precinct 1) –

Improved access from parallel car parking to pedestrian path with inclusion of DDA compliant ramps – with thirty-three percent of respondents supporting progression of this project as a priority.

Off-subject feedback

Many submissions were provided that were not related to the specific ideas within and/or intent of the Monbulk UDF. Whilst important, they are beyond the scope of the Monbulk UDF to resolve. These include provision of rubbish bins and toilet blocks or land outside of the Monbulk UDF boundary or concerns with existing planning scheme policy and provisions. Where appropriate these comments have been forwarded to relevant Council departments for further consideration.

Unfortunately, in addition to the above, some of the comments received were inappropriate with not relevant to the Monbulk UDF discussion. Some of these items include (but are not limited to): personal interests of Council Officer's involved in the project, personal insults/threats or included items/statements with little or no description.

All feedback on the draft Monbulk UDF has been taken into consideration, however it should be noted that the vast amount of feedback provided did not suggest specific changes to the Monbulk UDF.

Unique Consultation challenges

The stakeholder engagement encountered a distinct challenge whereby misinformation about 20-minute neighbourhoods and smart cities were disseminated throughout the community, bringing in various unrelated topics to the Monbulk UDF engagement. The drop-in sessions occasionally experienced high attendance from individuals influenced by the lead group's social media promotion of the sessions. This led to disruptions in one session and caused some confusion among local participants. Typically, this confusion was resolved through straightforward conversations with Council officers, guided discussions on the UDF, and the availability of a plain-language glossary. Much of these occurrences have been documented in connection with a related Supreme Court Hearing, and the detailed findings are accessible on the Supreme Court website.

Options considered

The following options have been considered:

1. Adopt the Monbulk UDF with no changes as exhibited.

The community consultation process has highlighted several changes that should be considered for incorporation into the Monbulk UDF. The framework could be adopted as exhibited with some of the suggestions held in abeyance until the master planning of key projects is undertaken in the future. This would not be recommended as the feedback from community was insightful and valuable and, in many ways, improves the outcomes of the Monbulk UDF. Council values meaningful engagement which includes due consideration and response to feedback received.

2. Adopt the Monbulk UDF with proposed changes.

The incorporation of key changes to the Monbulk UDF as well as identifying how other issues can be resolved later, would enable the progression of the project with a level of support from the community. Many of the issues that cannot be resolved at the framework level will act as the starting point to drive detailed design responses at the master planning stage. Further project-specific consultation will provide opportunity to work collaboratively to reach mutually beneficial outcomes for the community and Council.

3. Abandon the Monbulk UDF.

This option would see the cohesiveness and context provided in the decision making of Monbulk UDF lost. It would not result in an immediate resolution to the existing problems/issues within the township. It will result in the continuation of 'status quo' where projects will be continued to be delivered in Monbulk in an ad-hoc manner without any strategic justification for their purpose. This will continue to result in inefficiencies, lost opportunities, and lack of integration with the context and rest of centre. It would also cause reputational damage and undermine future community engagement. This is not recommended.

Recommended option and justification

Option 2 is recommended, to proceed with the Monbulk UDF incorporating suggested changes as outlined in this report. This will enable the progression of the project with an honouring of the community's input and meaningful response to community concerns and ideas. This will help to inform Council decision making to improve development outcomes, and develop a pipeline of agreed projects, with the context of the community's voice.

FINANCIAL ANALYSIS

As reported to Council on 13 December 2022, no capital funding (Council funding) is committed to any projects proposed within the Monbulk UDF. Any future funding streams required to establish new buildings, public realm projects, streetscape projects, or undertake upgrades of an existing building/place/infrastructure including design, architectural, surveyor and permit costs; site preparation costs; project management costs; construction costs; and other associated costs will rely on future funding streams including, but not limited to, Council's capital works funding, State and Federal grants and other alternate funding sources.

A detailed breakdown of each project, their probable cost based on November 2022 value, and source of funding was presented to Council and made available in Section 6 of the Monbulk UDF. The probable cost has been updated to accommodate projects that have been removed, altered, or added to the Monbulk UDF. However, timing and delivery of these projects will impact upon the total value of the project - in some cases increasing their cost, and others decreasing their cost. Current cost escalations indicate there would need to be updated estimates carried out closer to delivery of each project.

The timing of some projects may require significant pre-planning, authority approvals and complex documentation, such as any arterial corridor works and the creation of the Village Green Master Plan. These major development projects would anticipate delivery timeframes potentially beyond 10 years. The remainder of projects, by comparison, are simpler and would be able to be scheduled once funds and resourcing become available.

The final Monbulk UDF provides Council with a thorough evidence-based document to help prioritise and justify the delivery of remaining key capital works projects and forms a strong foundation for advocacy to funding bodies and MPs. The framework will also provide Council with the opportunity to present shovel ready projects as candidates for any external funding grants that might be on offer, including those with short application timeframes.

APPLICABLE PLANS AND POLICIES

The final Monbulk UDF meets the following Strategic Objectives of the Council Plan (2021-25):

- Connected and healthy communities — Communities that are safe, resilient, healthy, inclusive, and socially well connected and where quality services are accessible to everyone.

By providing an overarching design framework that connects built form, services, and public realm areas for the Monbulk Town Centre.

- Quality community infrastructure and liveable places — Quality facilities and infrastructure that meet current and future needs. Places are well planned hubs of activity that foster well-being, creativity, and innovation.

By identifying projects needed within Monbulk to help meet demand for infrastructure and facilities from residents and visitors.

The Monbulk UDF also supports Goal 4 of the Council's Health and Wellbeing Strategy, which is that Yarra Ranges be recognised for its healthy, accessible places to live, work and visit. Additionally, the Monbulk UDF is consistent with the objectives and aims of the following Yarra Ranges Council plans and policies including:

- Monbulk Structure Plan (2017)
- Liveable Climate Plan 2020-2030
- Integrated Transport Strategy 2020-2040, and
- Economic Development Strategy 2022-2032.

VICTORIAN GOVERNMENT HOUSING STATEMENT

On 20 September 2023, then Premier Daniel Andrews released Victoria's *Housing Statement: The decade ahead 2024-2042* to address housing supply in Victoria with a target to build 800,000 homes in the next decade on the basis that building more homes will increase affordability.

The statement covers the following areas:

- Good Decisions Made Faster
- Cheaper Housing closer to where you work
- Protecting renters rights
- More Social Housing, and
- A long term housing plan

It also proposes several planning system reforms under each. It should be noted that a number of these will require further planning scheme amendments or legislative change to come into effect.

Of most interest and relevance to the Monbulk UDF are the following items:

- Unlocking new spaces to build across suburbs including government land through rezoning surplus land with a target of 10 per cent of affordable housing at each site.
- Building more homes closer to services, transport and where people work.
- Support institutional investment (investors who build to sell).
- Strengthen design standards.
- Introduce a short stay levy of 7.5 per cent for short stay accommodation to go towards building and maintaining social and affordable housing, and
- Invest in the Affordable Housing Investment Partnership program that provides low interest loans to finance social and affordable housing.

The objectives and recommendations of the Monbulk UDF are closely aligned with these actions and will support investigation of future housing options.

RELEVANT LAW

The Monbulk UDF has been developed in accordance with the provisions of the *Planning & Environment Act 1987*, the Victoria Planning Provisions, and the Yarra Ranges Planning Scheme to ensure that any guidelines or proposed outcomes align with the intent of this legislation and policy.

Supreme Court of Victoria (Dickson v Yarra Ranges Council)

Presided over by Justice Melinda Richards, in this proceeding Mr Dickson sought orders prohibiting Council from approving the Monbulk UDF, based on an alleged lack of community engagement, and seeking the Council extend the consultation period by a further 12 months. Mr Dickson sought answers to two additional questions, specifically:

1. Whether the Council's role includes power to develop three-storey accommodation for local areas; and
2. Whether the Council can engage with and adopt United Nations policies.

Accompanied by a 64-page finding that addressed all of Mr Dickson's concerns and fully supported Council's approach, it was concluded by Her Honour in her Judgement handed down on 18 August 2023 that:

- a) Mr Dickson did not have standing to seek the remedies claimed. He did not show that he has a special interest in the subject matter of the proceeding. His interest in the Monbulk UDF and the conduct of Council meetings is no different from that of any member of the public.
- b) The Council is meeting its obligations under the *Local Government Act* and the Charter to engage with the community in relation to the Monbulk UDF.

- c) The additional questions raised by Mr Dickson do not arise and should not be answered.
- d) The proceeding must be dismissed.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The actions and proposed design solutions within the Monbulk UDF, such as improved accessible streetscapes, outdoor dining opportunities and new commercial/retail sites, foster positive investment for Monbulk by diversifying economic and retail activity supporting business growth, and providing employment opportunities.

Social Implications

The actions and proposed design solutions for public realm areas and integration of social infrastructure, such as the area around the Monbulk Living and Learning Centre improves the accessibility of the services provided, thus fostering better community connections and overall improved community health outcomes.

Environmental Implications

The Monbulk UDF has taken into consideration the high quality natural and landscape features of the Monbulk area into the development of actions and proposed design solutions, including significant views and vistas, drainage and water runoff, and vegetation types.

Complementing these features has been the introduction of sustainable transport and technology opportunities within the Monbulk Township. The Monbulk UDF supports active transport and zero emissions transport options and promotes increased tree canopy cover.

It strengthens residential development opportunities within a walkable catchment of the town centre and increases microclimate outcomes through improved landscape treatments.

Water Sensitive Urban Design solutions will enhance stormwater quality and waterway health.

COMMUNITY ENGAGEMENT

Prior to the document being taken to the community for their review, the initial draft of the Monbulk UDF relied mostly on previous engagement undertaken for the Monbulk Community Plan in 2014 and Monbulk Structure Plan in 2017, and meetings with key stakeholders throughout 2022.

The final Monbulk UDF has been prepared based on the feedback received during the extensive program of community consultation carried out between 16 December 2022 and 26 March 2023 as part of the formal public exhibition of the document.

The engagement was carried out in accordance with the activities adopted by Council on the 13 December 2022, and as detailed above in *Public Exhibition Overview* section.

It should be noted that some activities were unable to be fulfilled or had to be rescheduled/modified due to anti-social behaviour experienced by Councillors and Council Staff at various times throughout the consultation period, and associated risk assessments.

This issue and further details of this consultation are provided in the *Monbulk Urban Design Framework Final Community Engagement Report* (Attachment 4), *Monbulk Urban Design Framework Key Issues Report* (Attachment 5), and in the Background section of this report.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The development of the final Monbulk UDF has relied on a mix of previous engagement undertaken for the Monbulk Community Plan and Monbulk Structure Plan and updated following more recent extensive community consultation.

State Government agencies/departments were invited to provide comment on the Monbulk UDF including:

- Melbourne Water
- Department of Transport & Planning
- Department of Jobs, Skills, Industry & Regions
- Yarra Valley Water
- Country Fire Authority
- Heritage Council Victoria
- SP Ausnet, and
- the Wurundjeri Land Council.

The CFA, and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) all provided submissions. A meeting was also held with the 20 Minute Neighbourhoods team at DTP, but no written submission was provided. All agency submissions were reviewed with most simply noting the Monbulk UDF and providing support for the strategic work, recommending that they be reengaged when more detailed planning work is undertaken.

AusNet, Department Environment, Land, Water and Planning (Environment) (now Department Energy, Environment and Climate Action), Department Environment, Land, Water and Planning (Planning) (now Department of Transport and Planning), Department of Jobs, Precincts and Regions (now Department of Jobs, Skills, Industry and Regions), Department of Transport (now Department of Transport and

Planning), Melbourne Water and Yarra Valley Water were sent letters on two occasions but did not provide a submission.

The final Monbulk UDF has also been guided internally by a Project Working Group which included input from the following units: Statutory Planning; Strategic Planning; Place Recovery; Community Development; Economic Development; Infrastructure Development; Transport Engineering; Recreation and Leisure; Indigenous Development; Gender Equity; Disability Inclusion; Waste Management; Emergency Management; and Communications and Engagement.

The project team also met with Council's Indigenous Advisory Committee, Disability Advisory Committee, Positive Ageing Reference Group and Youth Advisory Group.

RISK ASSESSMENT

The final Monbulk UDF provides the necessary evidence-based context to decision making by identifying key capital works projects for upgrade or construction. The Monbulk UDF's holistic approach will assist in informing a wide range of Council service delivery areas of the specific opportunities and challenges to consider in the Monbulk area and maximise Council's response to the Community's expectations.

Failure to deliver the Monbulk UDF will result in Council's expenditure of capital works projects being undertaken in an ad hoc manner, which does not consider the net benefit of both Council's resources and the community's expectations.

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*.

ATTACHMENTS TO THE REPORT

1. Monbulk Urban Design Framework Summary Document
2. Marked Up Draft Monbulk Urban Design Framework
3. Proposed Final Monbulk Urban Design Framework
4. Monbulk Urban Design Framework Final Community Engagement Report
5. Monbulk Urban Design Framework Key Issues Feedback Report

NEIGHBOURHOOD SAFER PLACES

Report Author: EO Emergency Management
 Responsible Officer: Director Communities
 Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

This report outlines the status of Bushfire Shelter options within the municipality of Yarra Ranges.

Annual Audits have been completed for the existing 18 designated Bushfire Neighbourhood Safer Places (NSP) - Bushfire Places of Last Resort. The 18 sites are designated NSP's and comply with the mandatory assessment criteria. As such, all 18 sites will maintain their status as designated NSP's for the 2023/24 fire danger period.

Three (3) existing Community Fire Refuges (CFRs) remain commissioned by Emergency Management Victoria (EMV) and will be retained within the municipality. These buildings are state owned managed assets, listed on both the Country Fire Authority (CFA) and Yarra Ranges Council websites.

No additional NSP or CFR sites have been established for the 2023/2024 fire danger period.

RECOMMENDATION

That Council

1. ***Note the eighteen (18) Neighbourhood Safer Places remain designated for the 2023/2024 fire danger period, and;***
2. ***Note the three (3) Community Fire Refuges managed by Emergency Management Victoria remain designated for the 2023/2024 fire danger period.***

PROPOSAL

Council acknowledges the status of formal Bushfire Shelter Options within the municipality.

BACKGROUND

In accordance with the Country Fire Authority Act, Victorian Councils are to identify, designate, establish and maintain suitable sites as NSP's in their municipal districts. The CFA conducts an annual assessment of each NSP to ensure compliance with the assessment guidelines.

Neighbourhood Safer Places, also known as Bushfire Places of Last Resort, are not intended to replace a personal bushfire survival plan. The CFA advises that everyone should have a written Bushfire Survival Plan and there is no guarantee that people will not be injured or killed by fire or radiant heat when travelling to or sheltering at a Neighbourhood Safer Place – Bushfire Place of Last Resort.

Following the introduction of the NSP legislation, Yarra Ranges has 18 designated NSP's within the municipality. Furthermore, the Victorian Government through EMV also commission three (3) CFR's within the municipal footprint.

In light of the coming fire season and proactively undertaking bushfire preparedness activities, confirmation of designated NSP's is part of Council's coordinated fire readiness activities completed in partnership with CFA and Victoria Police. Attachment One is the full list of designated NSP and CFR locations. This list will be updated and published on Council's website.

STRATEGIC LINKS

- Country Fire Authority Act 1958 - section 50J.
- Bushfire Royal Commission into National Natural Disaster Arrangements - Royal Commissions website.
- Yarra Ranges Council Neighbourhood Safer Places Plan.
- Council Plan – Healthy & Connected Communities.

CONSULTATION

The Country Fire Authority, Victoria Police, relevant landowners/managers and Yarra Ranges Officers have been consulted throughout the NSP assessment process.

FINANCIAL IMPLICATIONS

All NSP sites are subject to ongoing maintenance and inspection programs which are maintained within the current operational budget.

KEY ISSUES

Environmental Impacts

In meeting the criteria for ongoing designation as an NSP some vegetation maintenance may be required around sites.

Social Impacts

The social impacts of a designated NSP are minimal until there is use during an emergency.

Economic Impacts

No economic impacts are expected as a result NSP's being designated and meeting the mandatory assessment criteria.

Risk Assessment

In meeting the criteria for ongoing designation as an NSP, each year a risk assessment is carried out by Council, CFA and Victoria Police representatives to ensure designated NSP's still meet relevant criteria.

In 2023 updated signage has been installed in consultation with CFA to improve accessibility, this has been commended by CFA as an innovative addition to the Yarra Ranges NSP sites.

Complacent and uninformed residents and visitors to the Yarra Ranges may not understand the intent of NSP's. NSP's are a place of last resort and do not replace the need for residents to have a bushfire plan. Travelling to an NSP may be dangerous because of traffic congestion, fire activity, heavy smoke, accidents or fallen trees blocking the route. Community education campaigns and information for visitors to the Yarra Ranges must provide consistent key messages to highlight the role of NSP's. The CFA, fire agencies and Council will continue to promote consistent messages to this affect.

CONCLUSION

All Neighbourhood Safer Places and Community Fire Refuges within Yarra Ranges have been reassessed and found to comply with the assessment guidelines. All designated locations will be available for use by the community during the 2023/2024 fire danger period.

ATTACHMENTS

- 1 Neighbourhood Safer Places or Places of Last Resort within Yarra Ranges Municipality

There are eighteen (18) designated (published) Neighbourhood Safer Places (NSPs) within Yarra Ranges Municipality to retain designation for the 2023/2024 fire danger period.

Neighbourhood Safer Places or Places of Last Resort within Yarra Ranges Municipality			
NSP ID	Township	Location	Address
1000008394	Belgrave	Recreation Reserve (Oval)	Reserve Road Belgrave 3160
1000009211	Belgrave	Belgrave Alexanders Carpark	Alexanders Car Park – Terrys Ave, Belgrave 3160
1000008492	Coldstream	Halley Supple Reserve (Oval)	Bounded by South Gateway and North Gateway Coldstream 3770
1000009803	Dixons Creek	Dixons Creek Recreation Reserve (Oval)	Melba Highway (between Pinnacle Lane and Lorimers Lane) Dixons Creek 3775
1000008493	Healesville	Queens Park	Bounded by Don Rd, Maroondah Hwy & Badger Creek Rd (entry off Don Road) Healesville 3777
1000009273	Healesville	RACV Healesville Country Club Underground Car Park	Healesville-Kinglake Road (near corner Chum Creek Road) Healesville 3777
1000008374	Lilydale	Recreational Reserve area	Main Street (Maroondah Highway) opposite Hutchinson Street Lilydale 3140
1000008410	Lilydale	Lake Park (Between Car Park, Playground and Rotunda)	Swansea Road Lilydale 3140
1000022819	Millgrove	Millgrove Recreation Reserve	Moore Crescent Millgrove 3799
1000008512	Monbulk	Monbulk Recreational Reserve (Oval)	Moore Road (near McAllister Road) Monbulk 3793
1000008504	Mount Evelyn	Yarra Hills Secondary School (Oval)	Bounded by Old Hereford Road, Mikado Road and Burdap Drive (Reserve access Road) Mount Evelyn 3796
1000008408	Upwey	Upwey Recreation Reserve (Oval)	Alexander Ave (opposite Austral Ave) entry also via Chosen Ave Upwey 3158
1000009219	Upwey	Dandenong Ranges Community Cultural Centre 'Burrinja' (Rear Car Park)	Corner Glenfern Road and Matson Drive Upwey 3158
1000009281	Wandin North	Wandin North Reserve (Oval)	Corner Clegg Road and Warburton Highway Wandin North 3139
1000009503	Warburton	Warburton Recreation Reserve (Oval)	3455 Warburton Highway Warburton 3799
1000009817	Woori Yallock	Woori Yallock Recreation Reserve (Oval)	Healesville-Koo Wee Rup Road opposite Nester Road Woori Yallock 3139
1000009235	Yarra Glen	Yarra Valley Racing Centre Yarra Glen (carpark area)	Armstrong Grove Yarra Glen 3775
1000008503	Yarra Junction	Recreation Reserve (Oval)	Park Road (off Warburton Highway) Yarra Junction 3797

There are three (3) Community Fire Refuge (CFR) locations within Yarra Ranges municipality which will remain designated during the 23/24 fire danger period. Yarra Ranges Council has no designation responsibility for CFRs.

Community Fire Refuge (CFR) locations within Yarra Ranges municipality as endorsed by the Fire Services Commissioner		
Township	Location	Address
East Warburton	Millwarra Primary School. E Warb Campus	Woods Point Rd East Warburton
Ferny Creek	Ferny Creek Primary School	School Rd Ferny Creek
Millgrove	Wesburn/Millgrove CFA Fire Station	Warburton Highway, Millgrove

CT7369 – Microsoft 365 Licensing Agreement State Purchase Contract DPC-ICT-04-2020

Report Author: Manager Information Services

Responsible Officer: Director Corporate Services

Ward(s) affected: All (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

Confidential information is contained in Attachments 1 & 2. This information relates to contractual matters and contains commercially sensitive information.

Any disclosure of the information included within the confidential attachment to this report could be prejudicial to the interests of the Council or other parties. If discussion of this information is required, the Council is recommended to resolve that the item be deferred to the confidential section of the agenda when the meeting is closed to members of the public in accordance with Section 3(1)(g)(i)(g)(ii) of the *Local Government Act 2020*.

SUMMARY

This report seeks approval to appoint a provider for the provision of Microsoft Licensing in accordance with the Department of Premier and Cabinet (DPC) State Purchase Contract DPC-ICT-04-2020 that complies with Section 108 of the Local Government Act 2020, specifically:

- CT7369 – Microsoft 365 E5 Licensing contract with vendor Data#3 to the value of \$1.78 million (ex-GST).

RECOMMENDATION

That

1. ***Council accepts Department of Premier and Cabinet’s Whole of Victorian Government Microsoft Licensing State Purchase Contract DPC-ICT-04-2020, starting on 1 January 2024 for a period of two years and three months, which aligns to the Department of Premier and Cabinet contract end-date of 31 March 2026.***
2. ***The Director Corporate Services be delegated the authority to sign the contract documents CT7369 – Microsoft 365 Licensing Agreement with vendor Data#3, as Council’s incumbent Microsoft licensing provider.***

- 3. *The Director Corporate Services be delegated authority to extend the contract term in line with any amended terms proposed by Department of Premier and Cabinet.***
- 4. *The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under Section 3(1)(g)(i),(g)(ii) of the Local Government Act 2020.***

RELATED COUNCIL DECISIONS

Council's current Microsoft licensing arrangements are provided under a contract with Data#3 which expired in March 2023.

DISCUSSION

Purpose and Background

This report seeks approval to appoint a provider for the provision of ongoing Microsoft Licensing services, in accordance with the DPC State Purchase Contract - Whole of Victorian Government Microsoft Licensing Head Agreement. Council's Information Services department have led this process to ensure that it meets the Council's Microsoft Licensing needs.

At present, Council uses vendor "Data#3" for the supply of Microsoft licenses. These licenses are a requirement to supply each Council employee with a basic computer setup (operating system, Office 365 productivity suite and software-based telephony).

Furthermore, Council currently operates a telephony software platform called "Skype for Business" (SFB) which is the core system of the external Contact Centre as well as Council's internal phone system. This software was retired in July 2021 by Microsoft and is no longer supported.

This poses a major risk to Council as software patches are not available for the platform anymore and in the event of a major system fault, it has the potential that the service cannot be recovered. A migration to the replacement Microsoft Teams platform will require a change to current licensing arrangements, which would incur additional licensing costs to ensure operational compliance.

Council's agreement with Data#3 expired in March 2023. Also, in March 2023, the Victorian State government (DPC) established a new price book which made pre-negotiated Microsoft license discounts accessible to all Victorian government agencies. Council is now requested to approve a new contract with Data#3 under the provisions of the DPC head agreement.

This new agreement would provide upgraded E5 licenses that give Council the opportunity to replace its telephony system to a supported platform, access additional features in the Microsoft product suite, improve customer service, simplify overall software license management, automate repetitive tasks, improve cyber security protection and increase technical monitoring capabilities; and access DPC pre-negotiated discounted pricing.

The Executive Officer, Information Technology and Manager, Information Services recommend accepting the proposed contract and request Council approve the new contract. Council's Information Services and Strategic Procurement departments support the acceptance of the State Purchase Contract's Whole of Victorian Government Microsoft Licensing Agreement.

Options considered

Option 1: Remain on current Office 365 month-to-month plan through Data#3 licensing arrangements and continue to use the current SFB telephony platform. This carries major risk as Council's SFB platform is "end-of-life" and unsupported. This option does not take advantage of pre-negotiated DPC discounts, as this licensing model is not supported by DPC.

Option 2: Remain on current Office 365 plan through Data#3 licensing arrangements plus purchase additional uplift for new telephony licenses to enable replacement of SFB with Teams (at additional cost).

- This would remove a significant risk of a non-compliant and unsupported SFB telephony system.
- Allows for a small increase of licenses for devices and staff rotations.
- No benefits to improve productivity or cyber security protections (these would be required to purchase separately at further cost).
- This option does not take advantage of pre-negotiated DPC discounts, as this licensing model is not supported by DPC.

Option 3: Adopt new arrangement with Data#3 for an increased level of Microsoft licensing ("M365 E5"), which would enable replacement of SFB with Teams.

- This would remove a significant risk of a non-compliant and unsupported SFB telephony system.
- Enables Microsoft's full software suite with benefits to improve productivity and cyber security protections.
- Allows for a small increase of licenses for devices and staff rotations and enabling Power BI for all staff.
- Takes advantage of license pricing discounts, negotiated by the Department of Premier and Cabinet (DPC).

Recommended option and justification

Officers recommend adopting Microsoft's E5 licensing model (option 3). This will be the most cost-effective solution to meet Council's needs, mitigate material risks and provide sufficient protection against cyber security threats.

Benefits of upgrading to Microsoft E5 licenses include:

- Takes advantage of pre-negotiated DPC discounted pricing
- Continued access to basic software licensing needs
- Access to a vendor supported telephony platform, reducing risk to Council and ensuring continuity of high service standards to community
- Increased cyber security protection through Microsoft Defender, significantly reducing the need for other cyber security software purchases
- Providing expanded functionality and productivity tools for staff, including access to Power BI for all users, enabling all staff to access analytics and reporting digital dashboards from a centralised platform
- Ability for staff to reset network login passwords without the need for IT service desk intervention ('self-service' password resets), reducing administrative burden
- Simplified license management, reducing administrative burden
- Automation of laptop installations.

Once Council services are migrated to the new E5 licenses, Council can start realising benefits such as cost and time savings, improved user interactions, software standardisation and greater cybersecurity protections.

FINANCIAL ANALYSIS

The expected cost of the Microsoft E5 licenses under a new contract with Data#3 for the period 1 January 2024 to 31 March 2026 is **\$1.78 million (ex-GST)**.

The recommended contract would see Council take advantage of negotiated Microsoft price book discounts by DPC, which would enable Council to meet its ongoing licensing needs, upgrade telephony software platform, improve cyber security protection and increase application functionality, all at a lower cost compared to current pricing arrangements.

The cost of this recommended contract will be met from the current year approved operational budget for 2023-24, with subsequent years' costs forming part of the annual budget development and approval process to be considered by Council.

APPLICABLE PLANS AND POLICIES

- Council's 'High Performing Organisation' strategic objective in "Council Plan 2021-2025".
- Draft "Council ICT and Digital Strategy 2023-2026".
- Yarra Ranges Council "Liveable Climate Plan 2020-2030".

RELEVANT LAW

Not applicable.

SUSTAINABILITY IMPLICATIONS

Yarra Ranges Council places a high importance on sustainability and resilience and expects the same from its vendors. The long-term impacts of becoming a highly connected and “digital Council” results in paperless work practices, reduction of travel and the ability to monitor and control Council’s energy efficiency initiatives.

Microsoft, as one of Council’s primary software providers, is committed to becoming a carbon neutral organisation. It also heavily invests in water and waste saving projects and solutions to help organisations monitor and manage their environmental impact.

COMMUNITY ENGAGEMENT

Not applicable.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The proposed licenses will supply relevant Council employees with a basic computer setup and give access to the Microsoft Office 365 productivity and collaboration suite (such as Word, Excel, PowerPoint, SharePoint, Teams, Teams Telephony and Power BI).

The new agreement will also enable Council to access additional features in the Microsoft product suite, improving customer service, simplifying overall software license management, automating repetitive tasks, improving cyber security and increasing technical monitoring capabilities (such as Defender, Power Apps, Power Automate, and InTune).

RISK ASSESSMENT

If this recommendation is supported, Council will transition to a new vendor contract with new terms and conditions. Council’s procurement team has closely analysed these new contractual arrangements and endorsed the acceptance of the contract as there is no reduction in service level or quality. Furthermore, Council is taking advantage of the State Government’s buying power and discounted pricing through signing up to the head agreement with the Department of Premier and Cabinet.

Council will transition to a different licensing model, requiring operational configuration changes to be implemented by the Information Technology team. The technical risk to Council of such changes relates to potential short-term software outages during the transition phase. Council will ensure technical changes are appropriately prepared and resourced, with technical support available on days when services are cut over.

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*.

ATTACHMENTS TO THE REPORT

1. Confidential Attachment for Council Evaluation Report
2. Confidential Attachment for State Purchase Contract Microsoft full document SIGNED 31.3.20
3. Buying for Victoria Procurement summary

Confidential Item

Confidential Item

Attachment 3 - Buying for Victoria Procurement summary - Contract No. CT7369 – Whole of Victorian Government Microsoft Licensing State Purchase Contract DPC-ICT-04-2020

This contract offers a supplier for buying and servicing Microsoft enterprise products. This includes the Office suite, Yammer, Teams, cloud storage and database management such as SQL server, Windows Server, Project and Visio.

Lead agency: Department of Government Services

Conditions of use: Non-mandatory

Contract reference number: DPC-ICT-04-2020

Arrangement type: Sole supplier

Start date: 1 April 2020

End date: 31 March 2026

Key benefits

Key benefits include:

- a common system across the entire government
- flexibility for transferring or changing licences
- higher mobility
- multiple devices for every person
- identity management and security
- collaboration over Yammer enterprise
- online service teams for cloud products

What's covered

This contract covers main areas of Microsoft services:

- Microsoft enterprise products including Office 365, Windows, SQL server, Windows Server, Project, Visio, Azure, Microsoft Intune, Dynamics CRM, Teams and Yammer
- both Office 365 E3 and E5 versions, including the secure productive enterprise product which includes extra security features
- a cloud-based click to run deployment model.

Supplier details

Data#3

ABN: 31 010 545 267

Address: Level 4, 55 Southbank Boulevard, Southbank, VIC, 3006

Contact name: George De Bono

Role: Manager – Licensing Solutions, Victoria & Tasmania

Phone: 1300 232 823

Mobile: 0435 952 813

Email: george_debono@data3.com.au

Website: <http://www.data3.com/>

Note: Include VICStateGov@data3.com.au in any emails

Microsoft Operations Pte Limited

ABN: 29 002 589 460

Address: Level 5, 4 Freshwater Place, Southbank VIC 3006

Website: www.microsoft.com/en-au/

Contact name: Scott Wilson

Role: Account Director

Phone: 03 9286 3212

Mobile: 0412 705 952

Email: swilson@microsoft.com

Agencies can negotiate their own terms with Microsoft directly.

QUARTERLY FINANCE REPORT - SEPTEMBER 2023

Report Author: Manager Financial Services

Responsible Officer: Director Corporate Services

Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

The attached quarterly finance report and capital works report have been prepared as of 30 September 2023. The report includes financial year-to-date data up to quarter one of the 2023-2024 financial year and is compared to the adopted budget for the full year to 30 June 2024.

RECOMMENDATION

That Council

- 1. Receives and notes the Finance Report for the three months from 1 July 2023 to 30 September 2023 for the purpose of Section 97 of the Local Government Act 2020.*
- 2. Approves and adopts the Capital Works Transfers as outlined in the September Quarterly Capital Works Report.*

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose and Background

The quarterly financial update presents summary financial statements and a series of other progress reports on matters that will inform both Council and the Community on the performance of Council for the first three months of 2023-2024.

Summary of year-to-date results

Comprehensive Result (Net Surplus)

YTD comprehensive result of \$5.8m is \$1.7m below the adopted budget. This is due to:

- Overall revenue is \$4.2m below budget, this predominantly relates to operating grants being \$4.2m lower than budget, caused by the advanced receipt in full of the 2023-24 Victorian Local Government Grants Commission financial assistance grant in June 2023 which was budgeted for in July 2023. This will be an ongoing variance through the remaining year when comparing to budget.
- Other expenses are over budget by \$0.7m, depreciation and amortisation are over budget by \$0.5m.
- These variances are offset by lower employee costs due to unfilled positions across the organisation (\$1.0m), lower materials and services cost (\$2.3m) and lower financing costs (\$0.3m).

Balance Sheet and Cash Flow Statement

Cash and investment holdings ended September at \$70.0m representing a strong cash position. The Balance Sheet presents a working capital of \$30.0m (total current assets of \$151.0m less total current liabilities of \$121.0m). This reflects Council's ability to meet its obligations as and when they fall due.

Capital Program

Capital expenditure of \$13.1m is \$0.7m or 5 per cent below the YTD adopted budget of \$13.8m.

Further detail on the performance of the Capital Program is provided in the separate quarterly capital works report.

FINANCIAL ANALYSIS

The attached reports outline the financial performance and position of Council's activities for the 2023-24 financial year up to 30 September 2023.

APPLICABLE PLANS AND POLICIES

Sound financial management and reporting of Council's activities forms part of Council's commitment to being a High Performing Organisation, one of Council's five Strategic Objectives outlined in its Council Plan.

RELEVANT LAW

Section 97 of the *Local Government Act 2020* requires Council to prepare and present a quarterly finance report that compares annual budgeted revenue and expenditure with actual year-to-date revenue and expenditure, at a Council meeting which is open to the public.

RISK ASSESSMENT

A risk assessment has been considered in relation to the financial reports and deemed an acceptable level of risk.

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*.

ATTACHMENTS TO THE REPORT

1. Quarterly Financial Report – September 2023
2. Quarterly Capital Works Report – September 2023



Financial Report

for the period July 2023 to Sep 2023

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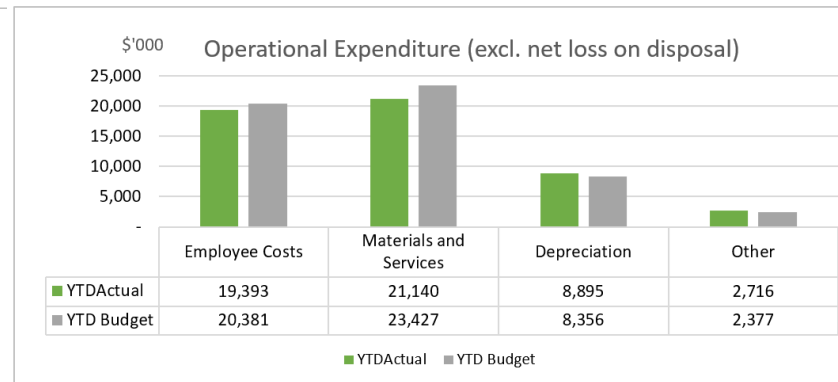
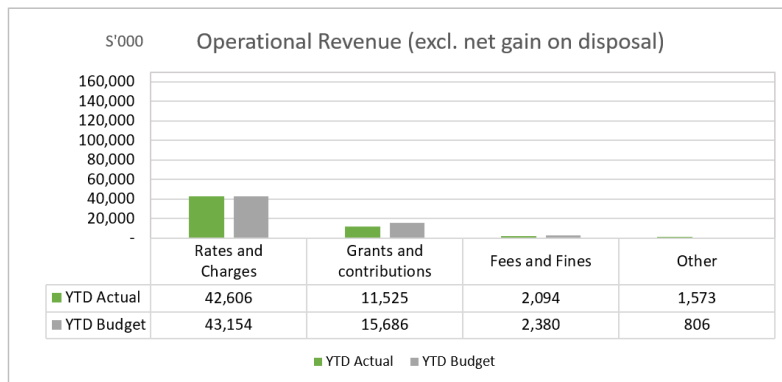
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Executive Summary

This report provides a summary of the month ended 30 September 2023 financial position for the Yarra Ranges Council. Council is currently tracking slightly behind the budget after the first three months of the 2023-24 financial year. Revenue is slightly lower than budget, lower operating grant is caused by the receipt in full of the 2023-24 financial assistance payment in June 2023 which was budgeted for in this financial year. Expenses are slightly lower than budgeted due to lower employee costs, materials & services cost and financing cost as detailed below.

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	Income & Expense Summary				Annual Budget \$'000				
	Sep-23					YTD September 2023			
	Actual \$'000	Budget \$'000	\$ variance \$'000	% variance		Actual \$'000	Budget \$'000	\$ variance \$'000	% variance
Total Income	21,490	20,325	1,165	5.7%	57,798	62,025	(4,228)	(6.8)%	245,647
Total Expenses	17,265	17,553	288	1.6%	52,143	54,542	2,399	4.4%	225,708
Net Gain/(Loss) on Disposal	28	0	28	0.0%	144	0	144	0.0%	0
Net Surplus/(Deficit)	4,252	2,772	1,481	53.4%	5,799	7,484	(1,684)	(22.5)%	19,939
Operating (Underlying) Surplus/(Deficit)	(634)	972	(1,605)	(165.2)%	(457)	2,084	(2,541)	(121.9)%	(1,660)



Comprehensive Result (Net Surplus)

YTD comprehensive result of \$5.8m is \$1.7m below the adopted budget. This is due to:

- Overall revenue is \$4.2m below budget, this predominantly relates to Operating Grant being \$4.2m lower than budget. Lower operating grant is caused by the receipt in full of the 2023-24 financial assistance payment in June 2023 which was budgeted for in this financial year. This will be an ongoing issue when comparing to budget.
- Other expenses are over budget by \$0.7m, depreciation and amortisation are over budget by \$0.5m.
- This is offset by lower employee costs due to unfilled positions across the organisation (\$1m), lower materials & services cost (\$2.3m) and lower financing costs (\$0.3m).

Balance Sheet and Cash Flow Statement

Cash and investment holdings ended September at \$70m representing a strong cash position. The Balance Sheet presents a working capital of \$30m (total current assets of \$151m less total current liabilities of \$121m). This reflects Council's ability to meet its obligations as and when they fall due.

Capital Program

Capital expenditure of \$13.1m is \$0.7m or 5% below the YTD Adopted Budget of \$13.8m.

The table below outlines where Council is tracking against key VAGO performance indicators.

VAGO Performance Indicators as at Sep 2023							
Indicator	Measure					YTD Actual	Full year Budget
Net result	Net surplus (deficit) / Total revenue	Less than -1.0%	-10% to 0%	More than 0%	%	10.0%	8.1%
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	Less than 0%	0% to 5%	More than 5%	%	-0.9%	-0.7%
Liquidity	Current Assets / Current Liabilities	Less than 0.75	0.75 to 1.0	More than 1.0	X	1.24	1.13
Internal financing	Net operating cashflow / Net capital expenditure	Less than 75%	75% to 100%	More than 100%	%	-91.3%	97.8%
Indebtedness	Non current liabilities / Own sourced revenue	More than 60%	40% to 60%	40% or Less	%	21.9%	21.0%

- *Net result – is revenue/income from transactions minus expenses from transactions, as a percentage of total revenue.*
YTD actual result remains positive as total revenue is \$4.2m below budget and this is offset by YTD expenditure which is \$2.4m lower than budget. The lower spend is driven by lower employee, materials & services and financing costs.
- *Adjusted underlying result – is the net result exclusive of grants and contributions. It is an indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives.*
It primarily relates to the timing of expenditure for infrastructure maintenance, facilities management. Higher capital grant income turns the measure negative.
- *Liquidity - the ability to pay liabilities due within the next 12 months. A ratio of one or more means that an entity has more cash and liquid assets than short-term liabilities.*
YRC has significantly more cash and liquid assets than current liabilities which means it can meet all its short-term financial obligations.
- *Internal financing – the ability to finance capital works from net operating cashflow.*
Actual result reflects lower net cash inflows as operating expenditure (materials and services, employee costs) are higher than rate revenue collected, and grant funding received at this time of the year. The full year budget expects net capital expenditure to exceed net cash from operating activities.
- *Indebtedness - the ability to repay debt due after the next 12 months from own-sourced revenue (total revenue excluding grants and contributions).*
YTD and full year budget reflect Council' s low level of debt compared to own-sourced revenue generated.

Financial Performance for the period ending 30 Sep 2023

Comprehensive Income Statement

Income & Expense Statement

	Sep-23				YTD September 2023				Annual Budget \$'000
	Actual \$'000	Budget \$'000	\$ variance \$'000	% variance	Actual \$'000	Budget \$'000	\$ variance \$'000	% variance	
Income									
Rates - General	14,263	14,243	20	0.1%	42,606	42,728	(122)	(0.3)%	170,912
Rates - Special Rates and Charges	0	142	(142)	(100.0)%	0	425	(425)	(100.0)%	1,702
Statutory Fees and Fines	155	242	(87)	(35.9)%	597	716	(119)	(16.7)%	2,865
User Fees	496	542	(46)	(8.5)%	1,497	1,663	(166)	(10.0)%	6,533
Contributions - Cash	161	261	(100)	(38.4)%	1,066	845	222	26.2%	3,245
Grants - Capital	4,872	1,773	3,099	174.8%	5,949	5,320	630	11.8%	21,279
Grants - Operating	1,120	2,602	(1,482)	(56.9)%	4,509	8,771	(4,262)	(48.6)%	32,805
Other Revenue	447	159	288	181.8%	663	471	191	40.6%	1,967
Interest	(24)	112	(136)	(121.5)%	910	335	575	171.7%	1,339
Contributions - Non Monetary Assets	0	250	(250)	(100.0)%	0	750	(750)	(100.0)%	3,000
Total Income	21,490	20,325	1,165	5.7%	57,798	62,025	(4,228)	(6.8)%	245,647
Expenses									
Employee Benefits	6,079	6,536	457	7.0%	19,393	20,381	988	4.8%	82,875
Materials and Services	7,373	7,790	417	5.4%	21,140	23,427	2,287	9.8%	99,988
Bad and Doubtful Debts	0	5	5	100.0%	0	16	16	100.0%	65
Depreciation and Amortisation	3,320	2,785	(534)	(19.2)%	8,895	8,356	(538)	(6.4)%	33,426
Other Expenses	482	315	(167)	(53.0)%	2,680	1,997	(683)	(34.2)%	7,898
Finance Costs (Interest)	12	121	110	90.4%	36	364	328	90.1%	1,457
Total Expenses	17,265	17,553	288	1.6%	52,143	54,542	2,399	4.4%	225,708
Net Gain/(Loss) on Disposal	28	0	28	0.0%	144	0	144	0.0%	0
Net Surplus/(Deficit)	4,252	2,772	1,481	53.4%	5,799	7,484	(1,684)	(22.5)%	19,939
Operating (Underlying) Surplus/(Deficit)	(634)	972	(1,605)	(165.2)%	(457)	2,084	(2,541)	(121.9)%	(1,660)

The operating (underlying) result is calculated by removing capital related income (grants and contributions) from the comprehensive result to determine the true operating result of Council's operations.

Variations and Insights

Year to date performance against budget (>\$500k or 10%)

Variance type - Revenue	Variance Commentary	\$ impact
Rates – Special Rates & Charges	Special rates last year were issues to ratepayers in September so this will be a budget phasing issue causing the variance.	(\$0.4m) unfavourable to budget
User Fees	User Fees from Program 168 infringements/Permits. This covers Animal, Parking, and Local Amenity laws. These variances are currently being reviewed by the Safer Communities team.	(\$0.2m) unfavourable to budget
Contributions - Cash	The higher than budgeted contributions are due to the DCP Lilydale Quarry, DCP Chirnside Park and Spring Lane Road Upgrades.	\$0.2m favourable to budget
Grants – Capital	<p>Grant funding is recognised as works are complete. The favourable variance is largely due to:</p> <ul style="list-style-type: none"> • Timing of funding recognition for the roads for Community Initiative (\$0.3m). • Timing of capital project delivery across several projects. The largest variances being for LRCI P4 Wesburn Pump Track (\$0.5m), Pinks Reserve Stadium Improvement (\$0.4m), LRCI P3 Climate Resilient Buildings (\$0.3m), Cement Creek Rd, East Warburton-Bridge (\$0.2m). <p>This is partially offset by timing of grant revenue mainly in Roads Rehab/ Renew, Edward Rd (\$0.2m), Gruyere Rd (\$0.2m), Victoria Rd Coldstream (\$0.4m), and Sports Reserves Rehab/Renewal (\$0.2m).</p>	\$0.6 favourable to budget
Grants - Operating	Lower revenue is caused by the receipt in full of the 2023-24 financial assistance payment in June 2023 which was budgeted for in this financial year. This will be an ongoing issue when comparing to budget.	(\$4m) unfavourable to budget
Interest Income	Higher opening cash balance than anticipated and increase in interest rates.	\$0.6m favourable to budget
Contributions – Non-Monetary Assets	Variance to budget due to phasing of the budget. Budgeting for material balances should be phased according to when receipts are likely.	(\$0.7m) unfavourable to budget

YTD Performance against Budget (>\$500k or 10%) – Expenses

Variance type - Expenses	Variance Commentary	\$ impact
Employee Benefits	Underspend in employee costs is due to unfilled vacancies across the organisation.	\$1m favourable to budget
Materials and Services	Favourable variance is largely influenced by lower year-to-date costs due to timing of expenditure in various areas: <ul style="list-style-type: none"> • Waste management (\$1.7m). • Bushland (\$0.4m). • Property & Facilities Management (\$0.3m). • Preparing Australian communities (\$0.4m). 	\$2.2m favourable to budget
Other Expenses	\$0.6m over budget for donations paid to the community, \$0.1m overspent in donation paid to Yarra Ranges Regional marketing, directly relates to phasing of budget to align with anticipated spend	(\$0.7m) unfavourable to budget
Finance Costs (interest)	Lower than budgeted borrowings during the year have resulted in significant interest savings.	\$0.3m favourable to budget
Depreciation & Amortization	\$0.5m over budget is mainly due to revaluation conducted in 2022-23 with \$14m increment in property and \$29m increment in infrastructure.	(\$0.5m) unfavourable to budget

Balance Sheet

Balance Sheet - as at Sep 2023				
\$'000	Actual YTD Sep 2023	Actual YTD Sep 2022	Adopted Budget (to June)	Adopted Budget Prior year
Current assets				
Cash and cash equivalents	70,802	63,027	75,886	66,330
Trade and other receivables	67,035	57,790	21,070	21,560
Other assets	13,461	12,759	10,000	5,418
Total current assets	151,298	133,576	106,956	93,308
Non-current assets				
Trade and other receivables	1,961	3,874	1,427	1,406
Investments in associates and joint venture	2,550	3,561	3,561	5,400
Property, infrastructure, plant & equipment	1,359,496	1,279,065	1,284,842	1,259,485
Intangible asset	5,792	536	447	819
Right-of-use assets	1,894	3,423	16,697	1,303
Total non-current assets	1,371,692	1,290,459	1,306,974	1,268,413
Total assets	1,522,990	1,424,035	1,413,930	1,361,721
Current liabilities				
Trade and other payables	69,145	51,199	16,469	15,349
Unearned Income/Revenue			43,919	
Trust funds and deposits	32,904	29,533	12,000	43,270
Provisions	16,857	19,279	19,457	19,252
Interest-bearing loans and borrowings	1,864	2,195	640	5,856
Lease liabilities	991	1,712	1,815	427
Total current liabilities	121,761	103,919	94,300	84,154
Non-current liabilities				
Lease liabilities	1,137	1,842	15,536	867
Provisions	8,574	6,562	5,843	5,843
Interest-bearing loans and borrowings	640	3,111	18,912	31,165
Total non-current liabilities	10,350	11,515	40,291	37,874
Total liabilities	132,111	115,434	134,591	122,028
Net assets	1,390,879	1,308,601	1,279,339	1,239,693
Equity				
Accumulated surplus	638,882	603,101	666,871	599,089
Reserves	746,256	696,768	592,345	600,928
Current Operating Surplus/(Deficit)	5,740	8,732	20,123	39,676
Total equity	1,390,879	1,308,601	1,279,339	1,239,693
Working Capital	29,537	29,657	12,656	9,154

The breakdown of the Cash and Cash Equivalents can be found below under "Investments".

Statement of Cash Flows

Statement of Cash Flows - as at Sep 2023

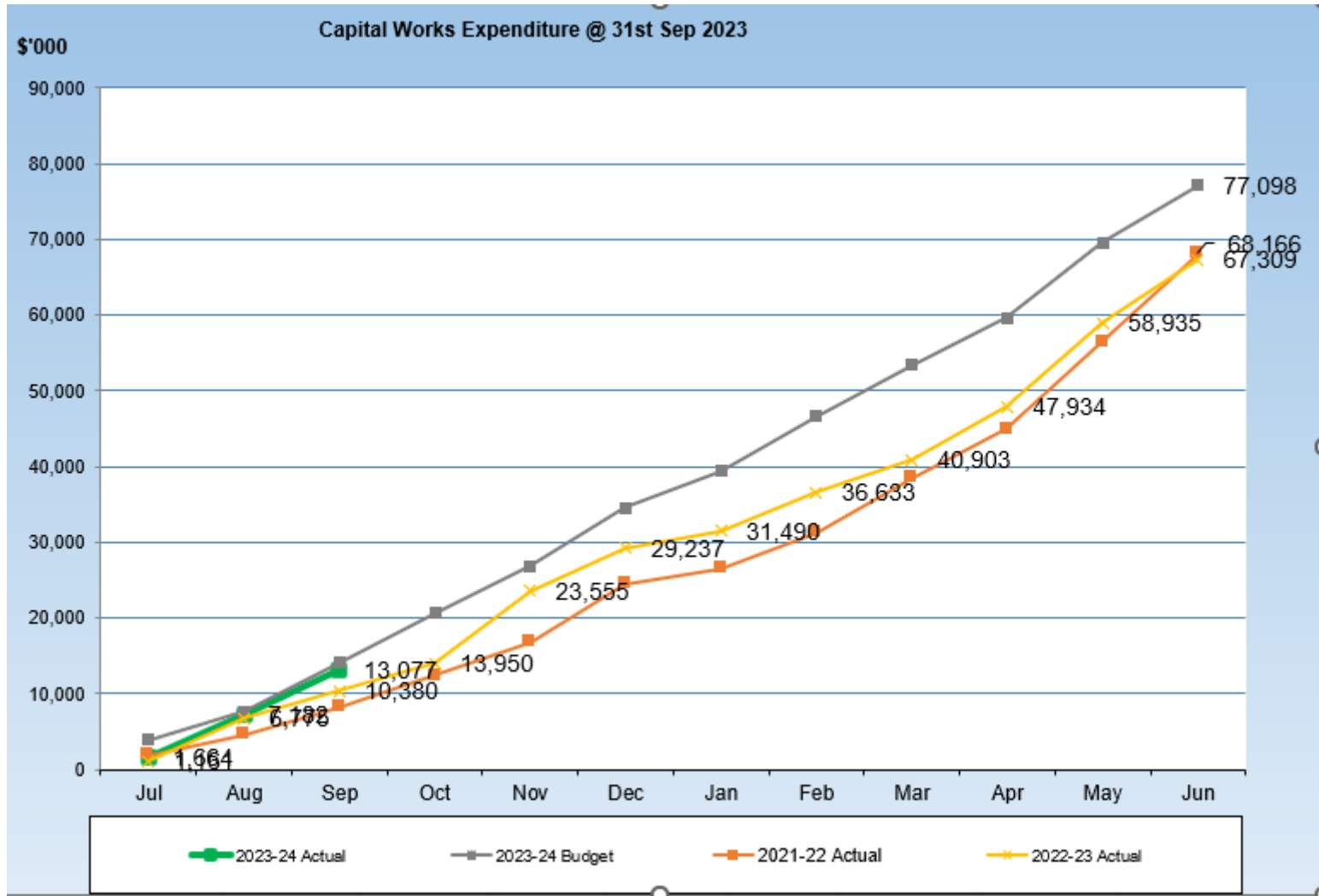
\$'000	Actuals YTD (Sep 2023)	Annual Budget (to June 2024)	Prior year (to June 2023)
CASH FLOWS FROM OPERATING ACTIVITIES			
Rates and charges	27,297	174,402	155,969
Statutory fees and fines	753	3,181	2,604
User fees (inclusive of GST)	9,013	7,253	(298)
Grants - operating (inclusive of GST)	3,530	33,112	29,890
Grants - capital (inclusive of GST)	619	21,478	65,759
Contributions (inclusive of GST)	1,099	3,245	4,114
Interest received	841	1,339	3,737
Trust funds and deposits	3,838	0	2,172
Other receipts (inclusive of GST)	688	2,542	1,946
Net GST refund	4,402	13,440	15,984
Materials and Services (inclusive of GST)	(41,375)	(109,314)	(112,754)
Employee costs	(19,883)	(82,772)	(73,967)
Other payments	(2,925)	(8,639)	(10,626)
Net cash provided by operating activities	(12,103)	59,267	84,530
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for property, infrastructure, plant and equipment	(13,257)	(60,595)	(69,078)
Proceeds from sale of property, infrastructure, plant and equipment	156	1,839	595
Investments in associates	-	0	1,011
Net cash used in investing activities	(13,101)	(58,756)	(67,472)
CASH FLOWS FROM FINANCING ACTIVITIES			
Finance costs	(36)	(1,010)	(231)
Proceeds from interest bearing loans and borrowings	-	18,912	0
Repayment of borrowings	(608)	(640)	(3,184)
Interest paid - lease liability	-	(447)	(157)
Repayment of lease liabilities	-	(1,967)	(1,510)
Net cash provided by (used in) financing activities	(644)	14,848	(5,082)
Net increase/(decrease) in cash and cash equivalents	(25,848)	15,359	11,976
Cash and cash equivalents at beginning of the financial year	96,650	60,527	84,674
Cash and cash equivalents	70,802	75,886	96,650

The actual year to date cash and cash equivalents at the beginning of the financial year is \$30m higher than annual budget, which caused the closing cash and cash equivalents at the first quarter is close to annual budget.

Statement of Capital Works

	Capital Works Statement				FY September 2023			
	Sep-23				FY September 2023			
	Actual \$'000	Budget \$'000	\$ variance \$'000	% variance	Actual \$'000	Budget \$'000	\$ variance \$'000	% variance
Expenditure								
Infrastructure - Asset Management	8	433	425	98.1%	18	1,299	1,281	98.6%
Infrastructure - Bridges	228	21	(207)	(964.8)%	253	64	(189)	(293.6)%
Infrastructure - Community & Recreation	661	510	(152)	(29.7)%	1,253	1,529	276	18.0%
Infrastructure - Drainage	216	141	(75)	(53.2)%	431	422	(9)	(2.1)%
Infrastructure - Footpaths & Cycleways	203	101	(102)	(101.0)%	363	303	(60)	(19.9)%
Infrastructure - Off-street Carparks	87	39	(48)	(123.6)%	89	117	27	23.4%
Infrastructure - Open Space	1,188	379	(809)	(213.3)%	2,125	1,138	(987)	(86.8)%
Infrastructure - Roads	1,489	1,599	110	6.9%	4,607	4,797	190	4.0%
P&E - Computers & Comms	104	103	(1)	(0.6)%	145	309	164	53.0%
P&E - Fixtures, Fittings & Furniture	0	2	2	100.0%	0	5	5	100.0%
P&E - Plant, Machinery & Equipment	14	171	157	91.9%	219	512	293	57.2%
Property - Buildings	1,696	1,091	(606)	(55.5)%	3,511	3,272	(238)	(7.3)%
Property - Land	0	2	2	100.0%	61	5	(56)	(1,127.3)%
TOTAL	5,894	4,590	(1,304)	(28.4)%	13,077	13,771	695	5.0%

The graph below shows the adopted budget and actual Capital Works expenditure for 2023-24 in comparison to previous years.



Natural Disaster Recovery

Storm Recovery – June 2021 (AGRN 969)

	2023-24 YTD	2023-24 YTD	2023-24 YTD	LIFE TO DATE
	ACTUALS	BUDGET	BUD-ACT VAR	ACTUALS
Funding	779,534	458,281	321,253	21,606,911
People, Culture and Wellbeing	112,603	43,971	(68,632)	1,796,653
Business, Tourism and Economy	0	24,985	24,985	125,513
Public Infrastructure	41,136	0	(41,136)	1,631,900
Environment and Biodiversity	(22,221)	0	22,221	11,082,204
Planning and Rebuilding	5,452	41,669	36,217	179,788
Recovery Directorate	370,842	362,093	(8,749)	9,481,714
Resident Storm Branch Collection	92,480	150,000	57,520	1,512,402
Total Expenditure	600,292	622,718	22,426	25,810,174
Net Position	179,242	(164,437)	(343,679)	(4,203,263)

Note: Variances to budget which are unfavourable are shown in brackets ().

DRFA Claim status

Forty-seven claims have been lodged with Emergency Management Victoria under DRFA totalling \$10,598,171.

Forty claims have been assessed and paid to date with Council receiving an average 89% reimbursement from \$9,660,310 claimed.

Seven claims are still awaiting assessment, most of them over 12 months old. These claims total \$937,861.

Additional revenue was received this month from insurance claims of \$351,106.

Storm Recovery – October 2022 (AGRN 1037)

	2023-24 YTD	2023-24 YTD	2023-24 YTD	2023-24	LIFE TO DATE
	ACTUALS	BUDGET	VARIANCE	Adopted Budget	ACTUALS
Funding	27,516	0	27,516	4,800,000	4,933,734
People, Culture and Wellbeing		0	0	0	28,202
Insurance works on Council property	10,454	0	(10,454)	0	320,847
Parks and Gardens works	0	0	0	0	209,056
Environment and Biodiversity	0	0	0	0	873,307
Public Infrastructure	149,199	0	(149,199)	6,500,000	4,921,641
Total Expenditure	159,653	0	(159,653)	6,500,000	6,353,053
Net Position	(132,137)	0	(132,137)	(1,700,000)	(1,419,319)

Twelve DRFA claims have been lodged with Emergency Management Victoria totalling \$4,458,837. No claims have been assessed yet.

We received an advance of \$4,505,000 against these claims in May 2023.

Total expenditure as a result of this flood event is expected to be around \$8m.

Storm Recovery – March 2023 (AGRN 1060)

Localised flooding was experienced on the morning of 23 March 2023. Local reports of 40-50 mm falling within half an hour are not reflected in official weather records, as the area affected was small.

Four DRFA claims have been lodged for works completed in the 2022-23 financial year totalling \$691,746.

	2023-24 YTD	2023-24 YTD	2023-24 YTD	2023-24	LIFE TO DATE
	ACTUALS	BUDGET	VARIANCE	Adopted Budget	ACTUALS
Funding	0	0	0	0	478,993
Public Infrastructure	166,129	0	(166,129)	0	764,870
Total Expenditure	166,129	0	(166,129)	0	764,870
Net Position	(166,129)	0	166,129	0	(285,877)

Pandemic Recovery

	2023-24 YTD	2023-24 YTD	2023-24 YTD	2023-24
	ACTUALS	BUDGET	BUD-ACT VAR	Adopted Budget
900944 - Covid-19 Other	54,644	57,877	3,232	58,573
900950 - Covid-19 Recovery Fund	0	417	417	1,668
900951 - CRF-Community Led Recovery Committees	4,967	11,229	6,262	44,916
900953 - CRF – Mental Wellbeing Coordination	25,666	30,247	4,581	123,686
900960 - CRF-Mental Health First Aid	600	10,532	9,932	42,130
900968 - CRF - Choose Local Campaign	25,429	26,802	1,374	27,125
900972 - CRF - Affordable Housing	30,510	68,672	38,162	281,941
900973 - CRF - Diversity and Inclusion	25,127	33,715	8,588	141,591
900975 - CRF – Building Skills for the Future	22,267	8,750	(13,517)	35,000
Total Expenditure	189,209	248,241	59,032	756,629

Preparing Australian Communities (Local) Grant (PAC)

	Actual Lifetime Spend	Spend remaining	Grant funded	Council funded	Total Project
Landslip Risk Assessment	147,864	152,136	300,000	0	300,000
Changing Places Facility (Capital)	19,200	154,800	87,000	87,000	174,000
Emergency Relief	83,887	91,363	161,016	14,234	175,250
Place Based Resilience Planning	307,668	1,127,044	1,219,650	215,063	1,434,712
Proactive Tree Management	939,245	3,886,480	4,825,725	0	4,825,725
Resilient Buildings (capital)	917,500	5,152,500	3,000,000	3,070,000	6,070,000
Resilient Energy Precinct	138,282	312,827	401,609	49,500	451,109
Resilient Yarra Ranges	0	5,000	5,000	0	5,000
Total Expenditure	2,553,646	10,882,151	10,000,000	3,435,796	13,435,796

Council was successful in the application for funds under. Projects funded by the Preparing Australian Communities (Local) Grant will run from 2022-23 to 2024-25.

Several project vacancies have been filled and projects are expected to proceed at a greater pace now that resources are in place. This largely impacts the Proactive Tree Management stream of the project.

Reporting to the funding body is required twice per year, and preparations are underway to submit the next report due at the end of October.

Investments

Account Name	Balance \$'000	Applicable interest rate
Operating Cash Accounts		
Cash Management (Westpac Operating Account)	2,374	0.45%
Cash Management (Westpac Investment Account)	57,580	0.55%
Cash Management (Commonwealth)	3,347	0.60%
Term Deposits		
BOQ Term Deposit (matures 8/11/2023)	2,000	4.00%
MyState Term Deposit (matures 29/11/2023)	3,500	4.35%
BOQ Curve Term Deposit (matures 06/09/2023)	2,000	4.20%
Total Cash & Cash Equivalents	70,802	

Borrowings

Account Name	Original Loan Amount	Applicable interest rate	Current Liability	Non Current Liability	Total
Loan					
NAB (end 01/12/2022)	13,000,000	5.35%	0	0	0
NAB (end 04/08/2024)	21,000,000	4.65%	1,864,369	639,596	2,503,965
Loan Balance			1,864,369	639,596	2,503,965

Debtor Management Rate Arrears (includes Special Rates & Charges)

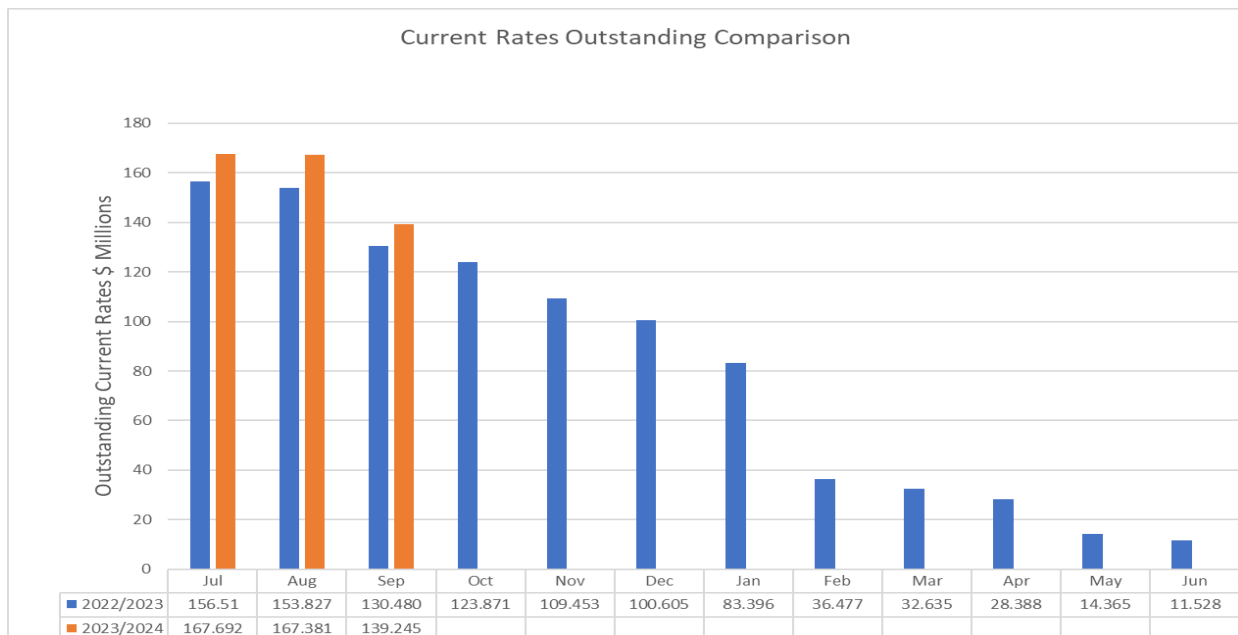
The Balance Sheet shows an amount of \$163,830,552.32 million for Receivables – Property.

The following table details the total rates outstanding at 30 September 2023

Rates Debts Outstanding		
Current Rates 23/24	\$	139,236,458.19
Current Interest		
Legal Cost on Current	\$	8,733.70
	\$	139,245,191.89
Arrears (Prior to 23/24)	\$	21,750,763.84
Interest on Arrears	\$	2,363,296.68
Legal Costs on Arrears	\$	471,299.91
	\$	24,585,360.43
Total Rates & Charges Outstanding	\$	163,830,552.32

Current Rates Outstanding Comparison.

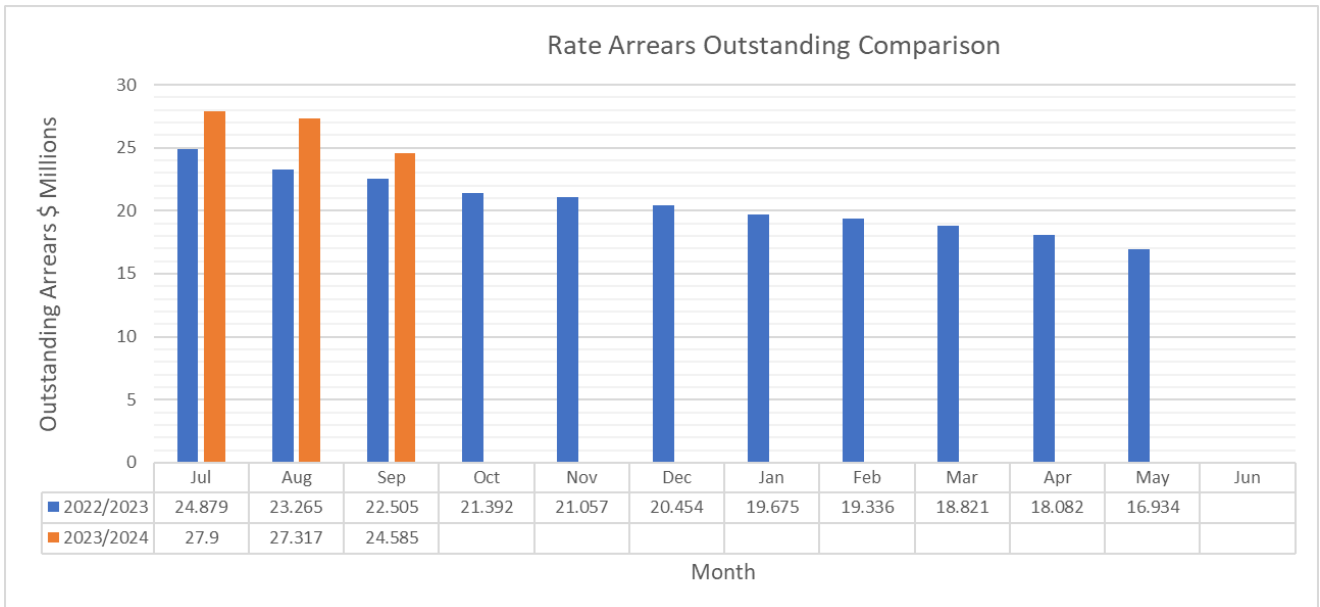
The level of outstanding current rates outstanding measured in real terms (+3.50% Rates Cap Increase) compared to the same period last year has *increased* by 3.01%.



***WHEN CALCULATING REAL TERMS, THE INCREASES IN WASTE SERVICE CHARGES HAS NOT BEEN CONSIDERED, ONLY THE RATE CAP (INCREASE IN GENERAL RATES) THE INCREASE IN WASTE SERVICE CHARGES IS SIGNIFICANT ENOUGH TO IMPACT THIS DATA.**

Rate Arrears

The level of outstanding rate arrears measured in real terms (+3.50% Rates Cap Increase) compared to the same period last year has *increased* by 3.86%.



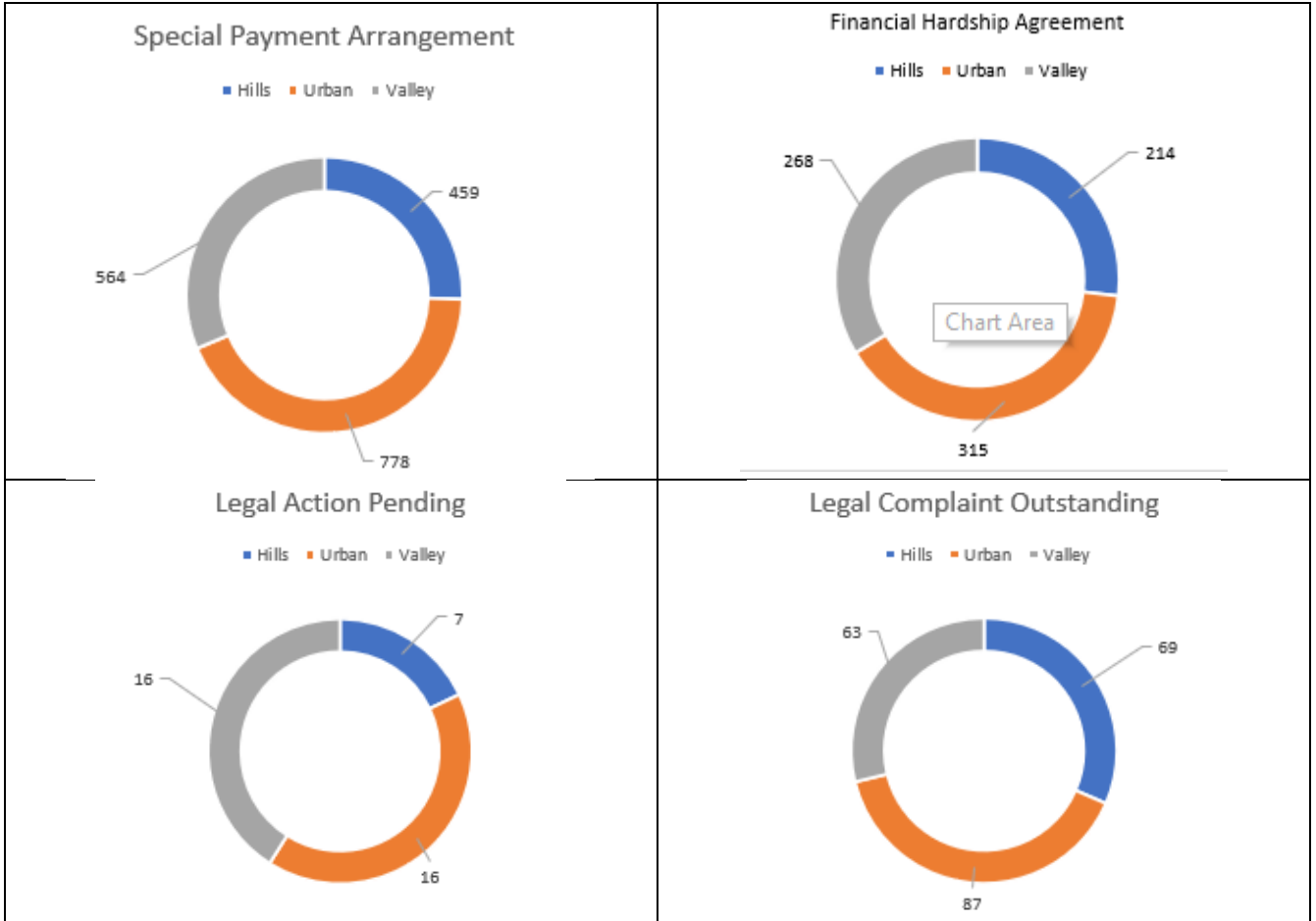
The following table details the current status of the arrears and rate recovery methods.

Rate Recovery Category	Activity	Arrears	Interest on Arrears	Legal Costs	Total O/S	Number of Assessments	Current Including Assessment
Financial Hardship	Deferment in place	5,360,439	227,444	47,740	5,635,623	785	1,807,603
	Recurring Deferment in place	73,010	1,512	-	74,522	12	23,271
	Deferment recently cancelled	286,578	30,837	9,667	327,082	60	157,553
	Defaulted conditions on deferment	372,005	54,050	6,741	432,796	42	91,405
Hardship Being Reviewed	Standard deferment being reviewed	-	-	-	-	1	-
	Recurring Deferment being reviewed	-	-	-	-	-	-
Arrangements	Payment Plan in place	3,933,109	180,792	4,411	4,118,312	1,295	3,032,263
	Payment Plan in place with Credit Solutions	2,149,143	212,343	30,935	2,392,422	457	1,111,355
Receivership		106,034	27,842	2,125	136,001	16	22,536
Auction (s181)		61,653	73,938	2,964	138,555	4	4,212
Sale Pending		226,169	80,204	12,861	319,234	97	118,488
Probate Pending		37,342	5,418	787	43,547	11	29,617
Legal Action Avenues Exhausted		413,893	228,679	28,391	670,962	23	48,015
Legal Action Continuing		46,928	20,400	5,219	72,547	4	7,443
Legal Action Pending		327,711	96,663	25,490	449,863	28	68,906
Complaints filed		1,964,940	498,174	214,483	2,677,597	193	466,715
Sub Standard Vacant		-	-	-	-	-	-
Due date extended - Supps		-	-	-	-	-	-
Totals		15,358,951	1,738,296	391,815	17,489,063	3,028	6,989,382

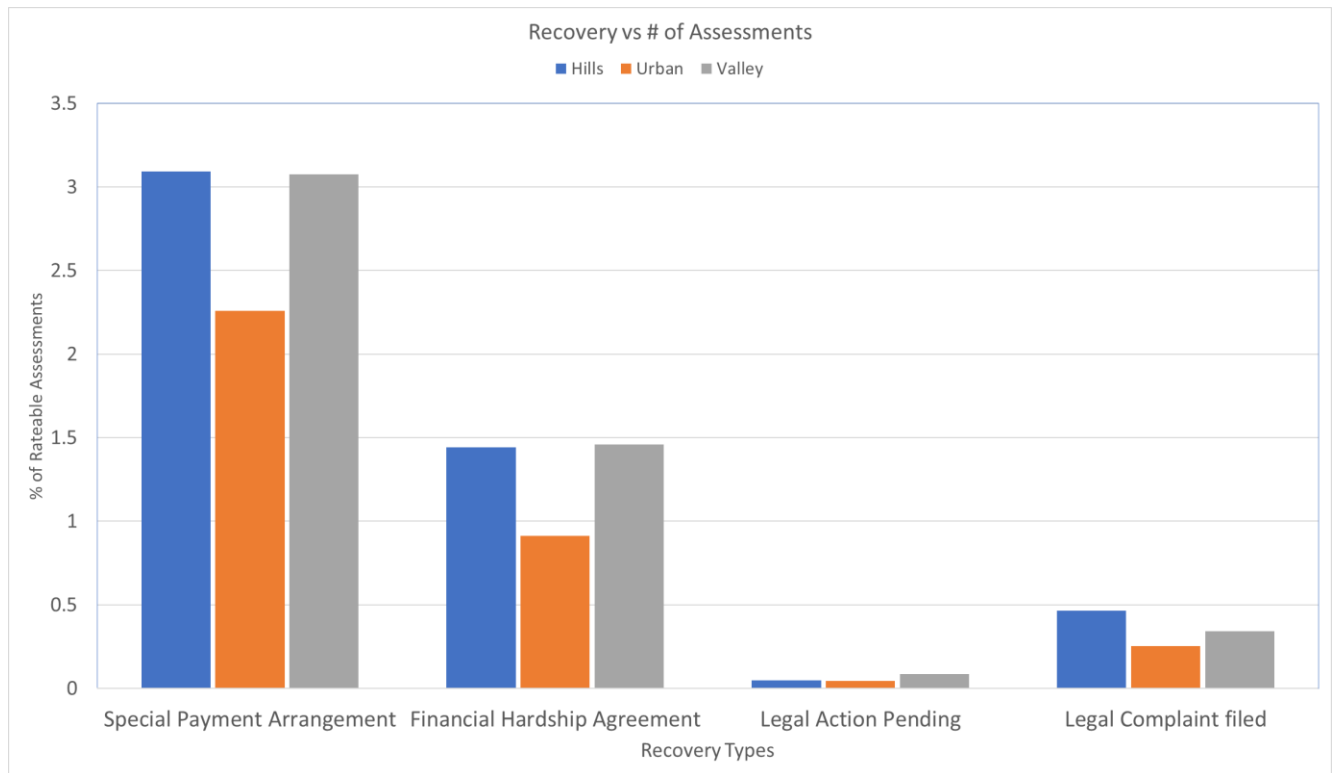
Payment Plans and Hardship Agreements continue to steadily increase despite no real deadline. This is potentially due to customers becoming aware that payment plans are interest free and looking to make payments at their own pace being fully aware there are no consequences. The rates team are investigating how we can make options such as direct debit more attractive – e.g. Credit card deductions.

Please refer to the below graphs for information regarding Location categories (Hills, Urban, Valley) and the amount of assessments on the following recovery methods:

- Special Payment Arrangement.
- Financial Hardship Agreement.
- Legal Action Pending (for 2021-2022 outstanding rates).
- Legal Complaint Filed – with the Magistrates Court for Outstanding amounts.



The following graph considers % of assessments on rate recovery methods vs the number of rateable assessments in the location category. **Urban** has a higher number of assessments in all methods of rate recovery, but when compared to the number of rateable assessments in the Urban area it is relatively lower than **Hills** and **Valley** areas.



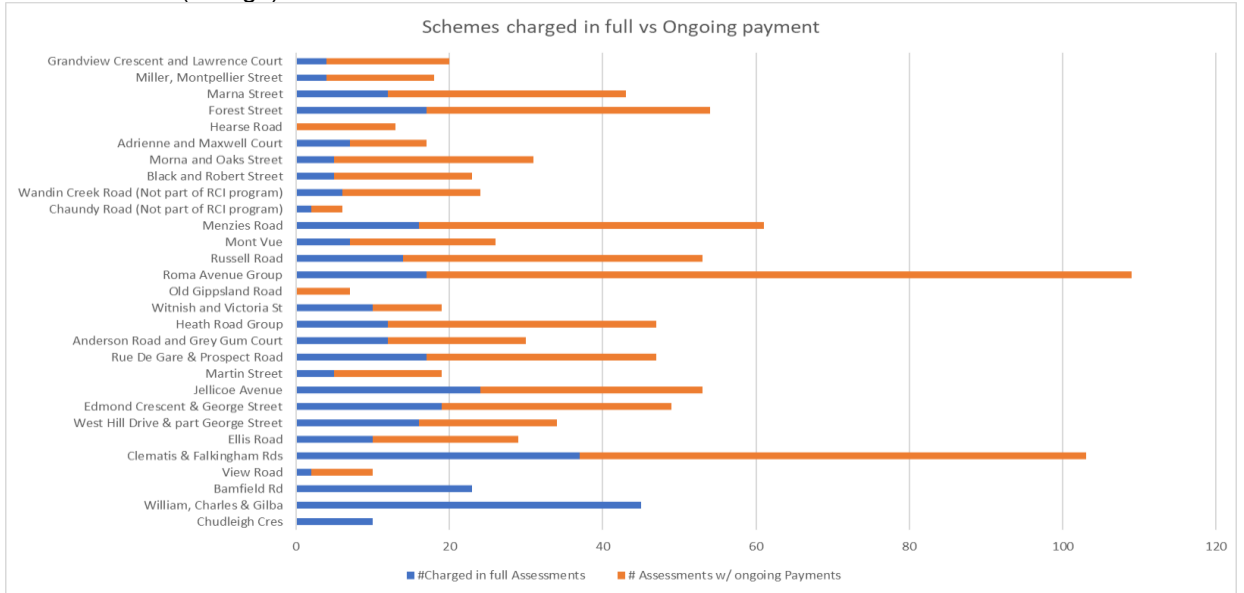
Special Charge Schemes

Due to the increase in Special Charge Schemes associated with Roads for the Community initiative funding received from the Federal Government, Monthly reports will now break down the amounts currently owing and future liabilities of all Special Charge Schemes.

The following outstanding amounts are included as part of the 167,381 million in rates and charges outstanding.

The following table shows all currently levied Special Charge Schemes, illustrating:

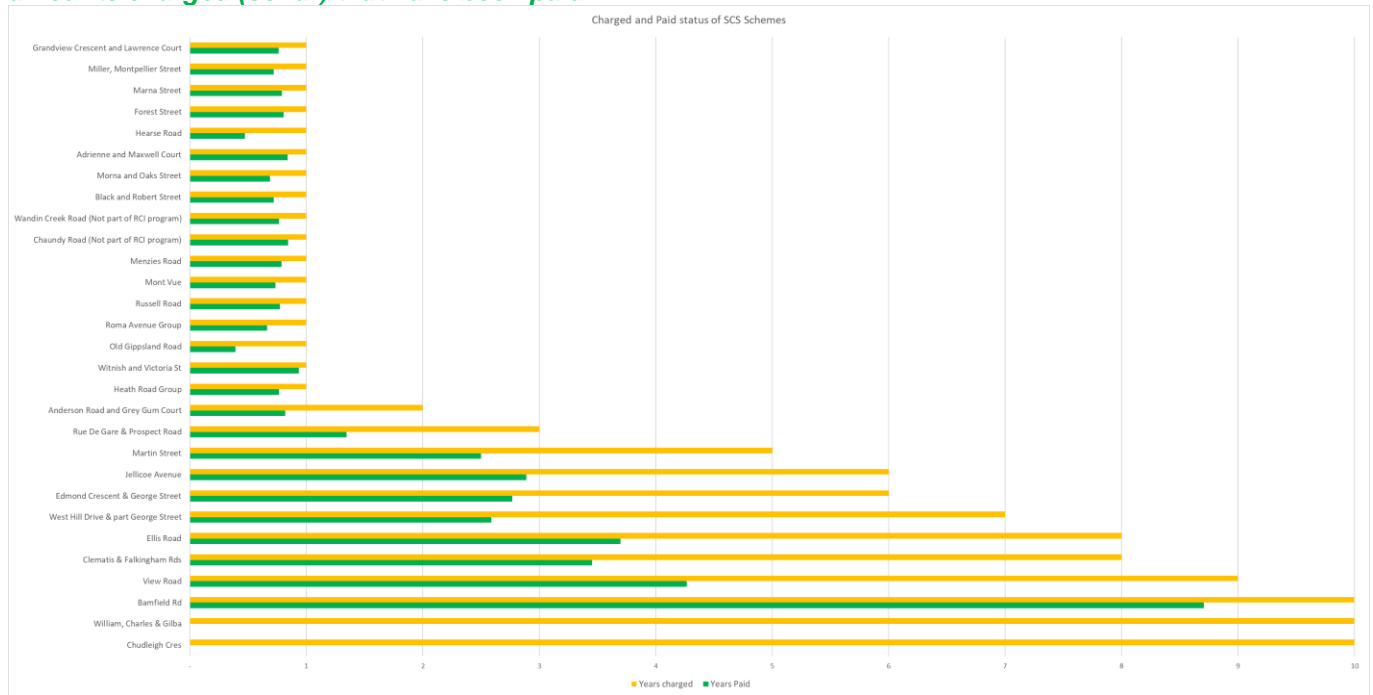
- How many assessments / owners have elected to pay the scheme in full (blue); and
- How many assessments / owners continue to pay in instalments charged over the 10 year life of the scheme (orange).



Special Charge Schemes (cont)

% Charged and % paid of SCS schemes.

The following graph shows the **Number of years** that the SCS has been charged for and the **the amounts charged (so far) that have been paid.**



Capital Expenditure Program Monthly Report

For the period 1 July 2023 to 30 September 2023

1. Executive Summary

1.1. Financial Summary

This report provides a brief overview of the published 2023-24 Capital Expenditure Program (CEP) and funds carried forward from 2022-23. Throughout the financial year, occasional approved changes to the CEP Budget are made, moving funds between projects or adding funds from various funding sources. In particular, this can occur when external funding is announced during the current year.

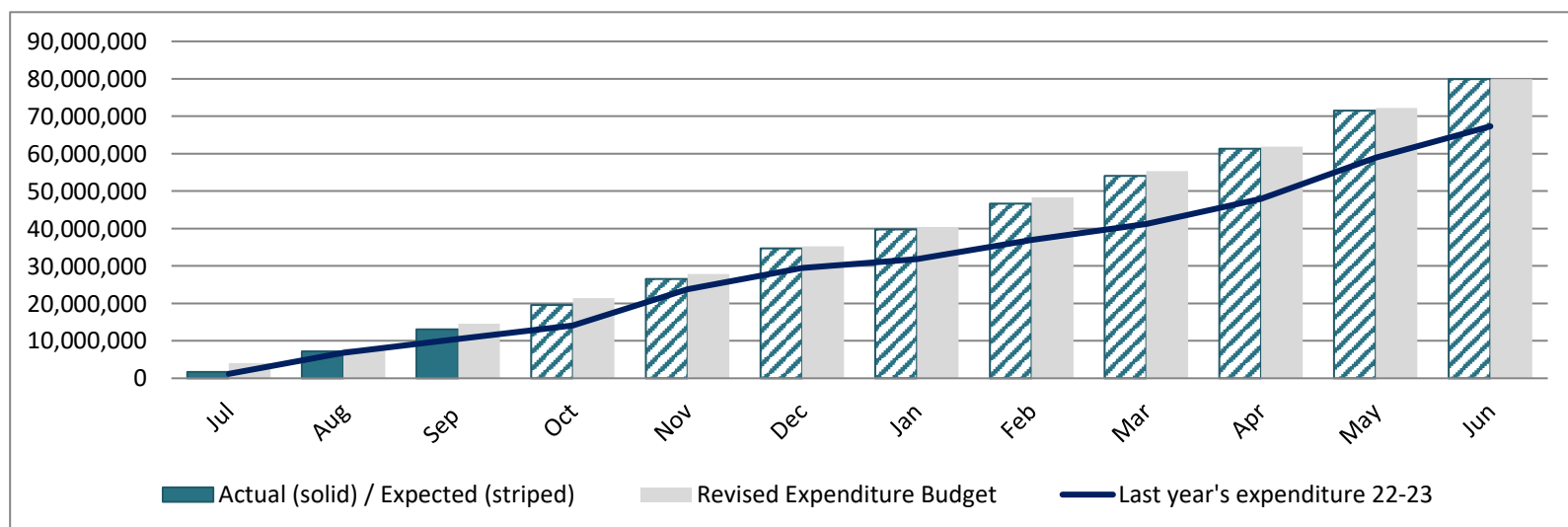
Approved 2023-24 Capital Expenditure Program (CEP) Budget		\$'000
Published Capital Budget Allocation: Council contribution		31,785
Published Capital Budget Allocation: external income		23,301
Carried forward from 2022-23 to 2023-24		20,943
Adopted Capital Expenditure Program Budget		76,029
Additional carried forward from 2022-23 to 2023-24		1,041
Capital Expenditure Program budget at 1 July 2023		77,070
Mid-year adjustments, including additional income <i>expected</i>		2,864
Capital Expenditure Program Budget (Revised Budget)		79,934
Less: Amount expected to be carried forward to 2024-25		-1,241
Plus: Expected forward spend from 2024-25 to 2023-24		1,560
Less: Savings expected at the end of 2023-24 financial year		-274
Less: Decreased expenditure due to lower income		-50
Expected to be spent by the end of the financial year		79,929
YTD Actual Spend to 30 September 2023		13,077
Percentage of the Revised Budget Expected to be Spent¹		100%

¹ Status:

- ✓ 90% or more of the revised budget is expected to be spent
- ! Between 80% and 90% of the revised budget is expected to be spent
- ✗ Less than 80% of the revised budget is expected to be spent

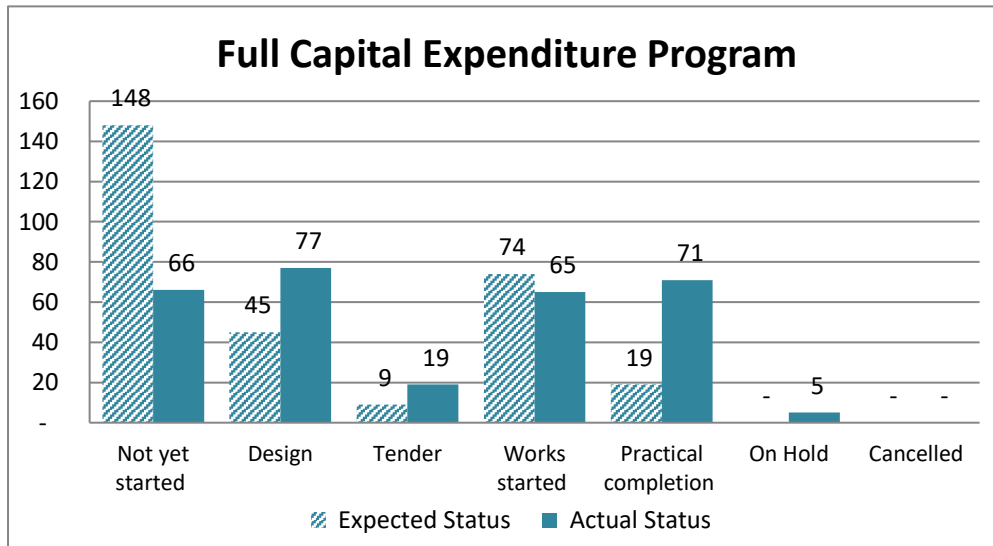
The following graphs show the *YTD Actual Spend*, *Expected Spend* and last year's expenditure. As with previous years, the expenditure is anticipated to increase as the year progresses. Further detail provided in the sections below.

Full Capital Works Program - Actual Spend and Expected Spend -vs- Last Year's Spend



1.2. Program Status Summary

The following graph shows the progression of projects through the various project phases.



Full program - phases	
Not yet started	66
On Hold	5
Consultation / design	77
Tendering	19
Works started	65
Practical completion	71
Cancelled	0
Total	303
Ahead of schedule	123
On schedule	152
Behind schedule	28
Total	303
On/ahead of schedule¹	91% ✓

¹ Status:

- ✓ 90% or more of all projects in this program are expected to their planned milestone dates* (planned in August 2023)
- ⚠ Between 80% and 90% of projects in this program are expected to meet their planned milestone dates* (planned in August 2023)
- ✗ Less than 80% of projects in this program are expected to meet their planned milestone dates* (planned in August 2023)

* as per information given by Project Managers.

2. Project Financial Summary

	Adopted Annual Budget excl. carry forward	Revised Budget	Expected spend	YTD Actual spend	Anticipated carry f'ward to next year	Expected Saving/ (Overspend)	Status ¹
PROPERTY	13,109	15,777	17,289	3,573	(1,038)	(474)	
<i>Land</i>	0	675	675	61	0	0	
Land New / Improvements	0	675	675	61	0	0	✓
Buildings	13,109	15,102	16,614	3,511	(1,038)	(474)	
Buildings Rehab / Renewal	3,248	3,309	4,044	276	0	(736)	✓
Buildings New / Improvements	9,861	11,793	12,569	3,235	(1,038)	262	✓
PLANT & EQUIPMENT	3,302	5,782	5,495	365	287	0	
Plant, Machinery & Equipment	2,048	3,461	3,306	219	155	0	
Plant & Equipment Renewal	2,048	2,048	2,048	85	0	0	✓
Plant & Equipment New / Improvements	0	1,413	1,258	134	155	0	!
Fixtures, Fittings & Furniture	18	18	18	0	0	0	
FFF Rehab / Renewal	18	18	18	0	0	0	✓
Computers & Telecommunications	1,236	2,303	2,171	145	132	0	
ICT New / Improvements	1,236	2,303	2,171	145	132	0	✓
INFRASTRUCTURE	38,675	58,375	57,145	9,140	432	748	
Roads	19,257	26,928	26,618	4,607	214	27	
Roads Rehab / Renewal	10,229	9,653	9,958	1,490	(450)	146	✓
Roads New / Improvements	917	2,525	2,629	1,059	0	(104)	✓
Roads Traffic Management & Other Works	215	342	356	131	0	(15)	✓
Roads for the Community Initiative	7,896	14,408	13,675	1,927	664	0	✓
Bridges	257	2,036	2,036	253	0	0	
Bridges Rehab / Renewal	257	1,288	1,288	253	0	0	✓
Bridges New / Improvements	0	749	749	0	0	0	✓
Footpaths & Cycleways	1,142	1,218	1,215	363	0	3	
Footpaths Rehab / Renewal	601	601	598	363	0	3	✓
Footpaths New / Improvements	541	617	617	0	0	0	✓
Drainage	1,689	2,246	2,118	431	268	(140)	
Drainage Rehab / Renewal	255	255	255	39	0	0	✓
Drainage New / Improvements	1,434	1,991	1,863	392	268	(140)	✓
Recreational, Leisure & Community Facilities	6,617	7,117	7,154	1,253	0	(30)	
Playspace Rehab / Renew	800	1,227	1,227	351	0	0	✓
Playspace New / Improvements	2,453	2,599	2,599	494	0	0	✓
Sports Reserves Rehab / Renewal	2,202	2,204	2,241	403	0	(30)	✓
Sports Reserves New / Improvements	1,162	1,087	1,087	5	0	0	✓
Parks, Open Space & Streetscapes	4,051	12,181	12,246	2,125	(50)	(2)	
Open Space Rehab / Renewal	576	576	576	69	0	0	✓
Open Space New / Improvements	100	1,302	1,348	622	(50)	(6)	✓
Townships New / Improvements	837	2,535	2,549	559	0	8	✓
Trails Rehab / Renewal	1,016	1,016	1,016	78	0	0	✓
Trails New / Improvements	1,522	6,752	6,756	797	0	(5)	✓
Off-street Carparks	467	467	467	89	0	0	
Off-street Carparks Rehab / Renewal	367	367	367	89	0	0	✓
Other Infrastructure	5,195	6,182	5,291	18	0	891	
Infrastructure - Project Management	5,042	5,042	5,042	0	0	0	✓
Infrastructure - Asset New / Improve Reserve	153	1,140	249	18	0	891	✗
Projects total:	55,086	79,934	79,929	13,077	(318)	274	

¹ Status:

- ✓ 90% or more of the revised budget is expected to be spent
- ! Between 80% and 90% of the revised budget is expected to be spent
- ✗ Less than 80% of the revised budget is expected to be spent

3. Items for Consideration

3.1. Significant Capital Expenditure Transfers

From time to time, it is necessary to transfer all or part of a budget from one project to another.

Reasons could include work program budgets being distributed to programmed projects or newly created, previously unanticipated projects being funded. All budget transfers valued \$250,000 and over require the approval of the Director, in coordination with EO - Project Management Office. If the value is \$500,000 or over and is transferred from one distinct project to another they require Council approval.

Any budget transfers that represent a significant change to the CEP Budget also require Council approval. Such changes may include the reassignment of budgets for cancelled projects published in the Capital Expenditure Program, the transfer of project funds carried forward from the previous year to a different project, or the transfer of funds allocated for renewal works to non-renewal projects. Transfers under the approval threshold have been included for information only.

		Previous budget	Transfer amount	New budget
From:	Unspent 2022-23 Asset Renewal Fund	\$852,952	-\$852,952	\$0
From:	Unspent 2022-23 Capital Works funding (other savings across the entire program)	\$5,348,115	-\$5,348,115	\$0
To:	Asset Renewal Fund 2023-24	\$0	\$852,952	\$852,952
To:	Asset Investment Fund 2023-24	\$0	\$5,348,115	\$5,348,115

As reported in the 2022-23 June Quarterly Report there was a year end saving of \$6.2 million. In total, \$853k is being returned to the Asset Renewal Fund and \$5.35 million to the Asset Investment Fund for redistribution to projects in 2023-24, as detailed below. These projects were evaluated by the Capital Works Management Steering Committee. The balance of savings is being transferred to the 2024-25 Asset Renewal Fund (\$812k) and the 2024-25 Asset Investment Fund (\$795k).

		Previous budget	Transfer amount	New budget
From:	Asset Investment Fund 2023-24	\$5,348,115	-\$2,967,108	\$2,381,007
To:	206982 Mountain Bike Destination, Warburton 2024-25 & 2025-26 budget allocation	\$1,198,892	\$2,967,108	\$4,166,000

Redistribution of Regional Growth Funds due to expiration of the funding agreement in May 2023. The additional funding is required due to the significant Environmental Effects Statement.

		Previous budget	Transfer amount	New budget
From:	Asset Investment Fund 2023-24	\$2,381,007	-\$736,000	\$1,645,007
To:	200300 Council Building Minor Works	\$1,847,000	\$736,000	\$2,583,000

Allocation of 2022-23 savings to fund remaining committed works from 2022-23 program (\$736k).

		Previous budget	Transfer amount	New budget
From:	Asset Investment Fund 2023-24	\$1,645,007	-\$115,000	\$1,530,007
To:	207542 Spring Lane, Gruyere	\$620,000	\$115,000	\$735,000

Allocation of 2022-23 savings to fund cost escalations resulting from the delay of construction of this road rehabilitation (\$115k).

		Previous budget	Transfer amount	New budget
From:	Asset Investment Fund 2023-24	\$1,530,007	-\$150,000	\$1,380,007
To:	207927 Biochar - Stage 1	\$151,679	\$150,000	\$301,679

Allocation of 2022-23 savings to fund cost escalations due to latent conditions discovered onsite once construction had commenced. Original project variation amount of \$300k reassessed and amended down to \$150k in August 2023.

		Previous budget	Transfer amount	New budget
From:	Asset Investment Fund 2023-24	\$1,380,007	-\$480,000	\$900,007
To:	208309 Lysterfield Transfer Station Fire Service	\$266,625	\$480,000	\$746,625

Allocation of 2022-23 savings to fund cost variation for design and installation of fire service water storage tanks due to latent conditions on site. Original project variation amount of \$330k reassessed and increased to \$480k in August 2023, with works deferred until 2023-24.

		Previous budget	Transfer amount	New budget
From:	Asset Investment Fund 2023-24	\$900,007	-\$60,000	\$840,007
To:	208565 Pedestrian Steps - Pauline Avenue and Hakea Street, Tecoma	\$0	\$60,000	\$60,000

Allocation of 2022-23 savings to fund emergency works to repair damaged steps (\$60k).

		Previous budget	Transfer amount	New budget
From:	Asset Investment Fund 2023-24	\$840,007	-\$25,000	\$815,007
To:	208566 Eastern Dandenong Ranges Trail - Menzies Creek	\$0	\$25,000	\$25,000

Allocation of 2022-23 savings to fund Yarra Ranges Council connecting section of trail to broader trail network (\$25k).

		Previous budget	Transfer amount	New budget
From:	Asset Renewal Fund 2023-24	\$852,952	-\$41,000	\$811,952
To:	208075 Lilydale Tennis Court - Lighting	\$78,908	\$41,000	\$119,908

Allocation of 2022-23 savings to fund increased costs for excess rock removal works at Lilydale Tennis Club (\$41k).

		Previous Budget	Transfer Amount	New budget
From	Public Open Space Fund - Ryrie		-\$110,000	-\$110,000
To:	207751 Yering & Coldstream Station Open Space Development	\$53,474	\$110,000	\$163,474

Allocation of POSF (Ryrie ward) to fund project completion (landscaping, carpark resurfacing and pathways).

		Previous budget	Transfer amount	New budget
To:	208300 Kallista-Emerald Rd, Kallista - Blackspot	\$626,010	-\$192,152	\$433,858

Reduction of external funding by \$192,152 due to changes in project scope.

		Previous Budget	Transfer Amount	New budget
From	204270 WP Road Traffic Management Works	\$215,000	-\$60,000	\$155,000
To:	208560 Anderson St, Lilydale-Pedestrian/Cyclist Safety	\$60,000	\$60,000	\$120,000

Council contribution to match external grant.

		LRCI Funding	Transfer Amount	New LRCI funding
From:	208477 Kilsyth Recreation Reserve - Stage 1	\$230,000	-\$230,000	\$0
To:	208494 Lilydale BMX Lighting Renewal	\$0	\$200,000	\$200,000
To:	208563 Victoria Road, Coldstream - Stage 2	\$0	\$16,000	\$16,000
To:	208478 Belgrave Heights Tennis Facility	\$0	\$14,000	\$14,000

LRCI Phase 4 adjustments:

Kilsyth Recreation Reserve - Stage 1 was not approved for inclusion in the LRCI program by the Federal Government. This was substituted with the project changes listed above with Council funding from these projects allocated back to deliver Kilsyth Recreation Reserve - Stage 1.

4. Carry Forwards & Forward Spends

Projects that have been delayed and are impacting on anticipated expenditure will request funds to be carried forward for use in the next financial year. Early identification of *carry forward* funds ensures the optimum utilisation of cash resources.

Forward spends occur when capacity becomes available to make an early start on a future year's project.

	Carry Forward	Forward Spend	Total Carry Forward to next year
	Budgets to be carried forward to 2024-25	Future year budgets to be brought forward from 2024-25 for spending in 2023-24	
<i>Figures in \$'000</i>			
Buildings New / Improvements	0	-1,038	-1038
Plant & Equipment New / Improvements	155	0	155
ICT New / Improvements	132	0	132
Roads Rehab / Renewal	0	-450	-450
Roads for the Community Initiative	664	0	664
Drainage New / Improvements	290	-22	268
Open Space New / Improvements	0	-50	-50
	1,241	-1,560	-318

Projects with expenditure carry forward amounts in excess of \$100k

Project Number	Project	Carry Forward to next year
		<i>Figures in \$'000</i>
208102	Alfred St and John St, Wandin North - RFCI	500
207558	Waratah Avenue, Belgrave - RFCI	210
208465	Biochar Facility - Stage 2	155
290103	YRConnect	132

Projects with expenditure forward spend amounts in excess of \$100k

Project Number	Project	Forward Spend
		<i>Figures in \$'000</i>
207790	Community Sports Pavilion, Pinks Reserve, Kilsyth	-1038
208086	Gruyere Road, Gruyere (Harvey Cl - Darling Rd) - Roads Rehab	-363

Glossary

Annual Budget: The annual published budget of capital projects for delivery each year. It complies with the State Government reporting guidelines and so, excludes the non-capital components of projects. The carry forward amounts captured are estimates only as they were formed at the time the budget was set, not the end of the financial year.

Approved Changes: Throughout the year, formally approved changes to the Capital Works Program budget can include budget transfers from one project to another, funds from a future year's Capital Works Program brought forward for expenditure this year, or additional external funds identified for inclusion in the budget.

Capital Expenditure Program (CEP): Allocated funding for renewal, improvement or new project works.

Capital Expenditure Program (CEP) Budget: This comprises of the Capital Expenditure Program adopted by Council, any funds carried forward from the previous financial year, and any approved changes made to the Budget during the financial year.

Carry Forward: A component of the CEP Budget brought to the next financial year. This becomes part of the next financial year's CEP

Current Year Projects: Typically projects delivering rehabilitation and renewal works on existing assets, which can be achieved in a single year. These projects may or may not include a community consultation and / or a design phase.

Expected Saving/(Overspend): The expected final financial position of a project, which equals Budget less Forecast less Carry Forward.

Expenditure Target: Set before the start of the financial year, this represents the agreed upon Capital Works expenditure for the year. The target equals the CEP Budget less funds held over for works during future years.

Forward Spending: This is when capacity becomes available to make an early start on a future year's project. Early spending requires the Capital Works Management Steering Committee approval.

Income Recognition: Income will be recognised in line with project expenditure. Income cannot be carried forward to a future year, it will remain on the balance sheet until project expenditure occurs. For this reason, a project that has external funding which is not delivered in a current year may not show as having carry forward even though the project is delayed to a future year.

Held Over: Any project specific funds not expected to be spent until a following financial year, do not form part of the Expenditure Target.

Major Projects: These run over multiple years and may involve detailed community consultation and design phases. These early phases may take place in the year before construction.

Milestone Dates: Set prior to the start of the financial year, these represent the start of key phases during the life of a project. (Also see

Multi-year Projects: These projects deliver improvements, upgrades or expansions on existing assets or build new assets. They typically include a design phase, which may occur in the year before construction. Construction works may run over more than one financial year.

Phases: Throughout the life of a project, there may be various phases, as explained below.

Consultation/Design: formal investigation, design or consultation is underway

Tender Phase: tender/quote is currently being sought or evaluated

Works/Construction Started: work has begun on site

Practical Completion: all works except minor defects or final seals are complete and the deliverable is ready for use

Finalisation: the project is complete, all monies owing have been paid and the defect liability period has passed

Program Status Overview: Successful delivery of a project to schedule involves meeting *milestone dates* set prior to the commencement of the financial year. Project *milestone dates* represent the start of four project *phases*: *consultation/design*; *tender phase*; *works started*; and *practical completion*. Project complexity is taken into consideration when establishing *milestone dates*. A project which falls behind in an earlier milestone may still meet a later *milestone date* and then be on schedule again.

Revised Budget: The Revised Budget is the current total expenditure budget for works to be completed in the current financial year. It includes the adopted budget, final carry forward from the previous financial year, external grants made within the year and any budget adjustments or transfers approved within the financial year.

Work Program: A lump sum budget for a group of projects of the same type, such as minor drainage works. Projects undertaken from Work Programs are generally single year projects. Very minor projects may be funded directly from the block fund, or part of the budget may be transferred out from the block fund to a programmed project during the financial year.

YTD Actual Spend: The amount of funds expended year to date.

GRUYERE ROAD, GRUYERE - ROAD CONSTRUCTION

Report Author: Project Engineer
 Responsible Officer: Director Environment and Infrastructure
 Ward(s) affected: Ryrie

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

The item has been included in the public agenda to facilitate openness and transparency in Council's decision making. Confidential attachments have been included with the report which contain commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract for the Gruyere Road, Road Rehabilitation works from Darling Road to Harvey Close, Gruyere.

The Evaluation Panel recommends the tender from TDM Earthworks Pty Ltd be accepted for a lump sum contract amount of \$1,158,959.98 exclusive of GST and inclusive of all adopted provisional items (\$1,274,855.98 inclusive of GST and inclusive of all adopted provisional items). The works includes pavement reconstruction, drainage, spray seal and line marking works.

RECOMMENDATION

That

- 1. Council accepts the tender from TDM Earthworks Pty Ltd to EO16105 7334 Gruyere Road, Gruyere – Road Construction for a total lump sum of \$1,158,959.98 exclusive of GST and inclusive of all adopted provisional items (\$1,274,855.98 inclusive of GST and inclusive of all adopted provisional items).***
- 2. Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.***
- 3. The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.***

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose

To seek Council approval to award EO16105 7334 Gruyere Road, Road Rehabilitation works.

Background

Gruyere Road, Gruyere, from Darling Road to Harvey Close is listed under the Roads Rehabilitation & Renewal program within the Yarra Ranges Council Capital Expenditure Program.

This project is to be delivered in the 2023/2024 financial year.

Works include pavement rehabilitation, spray sealing and line marking works with some minor drainage works.

To support efficient procurement processes, Council sought Expression of Interest from contractors to establish a panel of twelve (12) pre-qualified Road Construction and Associated Works contractors to EO16105. From this list Council would seek quotations for road construction and associated works, as and when funding allows.

Under the terms and conditions of the panel arrangement any contracts valued over \$1 million would require a formal declaration report indicating the estimated cost and budget be accepted by Council before the project can proceed to construction. On 6 September 2023, Council invited four (4) pre-qualified suppliers from the Road Construction and Associated Works Panel to submit their pricing for the Gruyere Road, Gruyere - Road Construction. The tender process remained open for 15 days, closing on 22 September 2023 and three (3) Submissions were received.

Key Issues

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

Tenderer's submissions were assessed for conformity with the tender documents and no tenders were eliminated from further evaluation as a result of any non-conformances.

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

Evaluation Criteria	Weighting
Price	80%
Resourcing	10%
Timeframes	10%
TOTAL	100%

Recommended option and justification

Following a detailed evaluation process, as outlined in Confidential Attachment 1. The evaluation panel are unanimous in their decision to recommend TDM Earthworks Pty Ltd for the Tender Price inclusive of provisional items. TDM offers the best value outcome. The evaluation panel request that Council adopts the recommendations within this report.

FINANCIAL ANALYSIS

The total cost of the lump sum contract for the Gruyere Road, road rehabilitation works is \$\$1,158,959.98 exclusive of GST and inclusive of all adopted provisional items (\$1,274,855.98 inclusive of GST and inclusive of all adopted provisional items).

Funds are allocated to this project as part of Yarra Ranges Council 2023/2024 and 2024/2025 Capital Expenditure Program funded by the Federal Government.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective in the Council Plan: The road rehabilitation works meets the Council Plan 2021-2025 strategic objective of Quality Infrastructure and Liveable Places. Ensuring that the network of roads, footpaths, bridges and drainage are maintained and renewed into the future.

RELEVANT LAW

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

SUSTAINABILITY IMPLICATIONS

Economic Implications

The construction of these roads would be undertaken utilising contractors from Council Road Construction and Associated Works Panel. This panel was established with a majority of local smaller contractors which will help provide economic support to these local businesses.

Social Implications

The recommended tenderer is a local business that resides and operates within Yarra Ranges Council. It has a successful history of recruiting local staff and utilising local sub-contractors.

Environmental Implications

As part of the contract the successful tenderer will be required to adhere to a Construction Environmental Management Plan for the duration of the project.

COMMUNITY ENGAGEMENT

Residents and businesses along Gruyere Road, Gruyere will be notified of the works prior to works commencement.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Not relevant.

RISK ASSESSMENT

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

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*.

ATTACHMENTS TO THE REPORT

1. EO16105 7334 - Confidential Attachment for Council Report

Confidential Item

MADDENS LANE, GRUYERE- ROAD REHABILITATION

Report Author: Project Engineer
 Responsible Officer: Director Environment and Infrastructure
 Ward(s) affected: Ryrie

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

The item has been included in the public agenda to facilitate openness and transparency in Council's decision making. Confidential attachments have been included with the report which contain commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract for the stage one of Maddens Lane Road Rehabilitation works.

Maddens Lane, Gruyere (Maroondah Highway to Medhurst Road) is listed under the Roads Rehabilitation & Renewal Program within the Yarra Ranges Council Capital Expenditure Program with an allocated funding of \$2,050,000 across two financial years 2023/2024 (\$972,000) and 2024/2025 (\$1,078,000).

This project is to be delivered in stages over two financial years in 2023/2024 and 2024/2025.

The evaluation panel recommends the tender from Prestige Paving Pty Ltd be accepted for a lump sum contract amount of \$1,249,839.44 GST exclusive and inclusive of provisional items (\$1,374,823.38 GST inclusive).

RECOMMENDATION

That

1. ***Council accepts the tender from Prestige Paving Pty Ltd to EOI6105 7359 Maddens Lane Road Rehabilitation works for a total lump sum of \$1,249,839.44 GST exclusive and inclusive of provisional items (\$1,374,823.38 GST inclusive).***
2. ***Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.***

3. ***The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.***

RELATED COUNCIL DECISIONS

There are no Council decisions relevant to this item.

DISCUSSION

Purpose

To seek Council approval to award EOI6105 7359 Maddens Lane Road Rehabilitation works.

Background

Maddens Lane, Gruyere (Maroondah Highway to Medhurst Road) is listed under the Roads Rehabilitation & Renewal Program within the Yarra Ranges Council Capital Expenditure Program with an allocated funding of \$2,050,000 across two financial years 2023/24 (\$972,000) and 2024/25(\$1,078,000).

This project is to be delivered in stages over two financial years in 2023/2024 and 2024/2025.

Stage one of the works location is between Medhurst Road and Spring East Lane, Gruyere and includes 2.4kms of pavement reconstruction and minor drainage works. The remaining length of Maddens Lane Road Rehabilitation (Spring East Lane to Maroondah Highway, Coldstream) is scheduled to be completed in stage two.

To support efficient procurement processes, Council sought Expression of Interest from contractors to establish a panel of twelve (12) pre-qualified Road Construction and Associated Works contractor to EOI6105. From this list, Council would seek quotations for road construction and associated works, as and when funding allows.

Under the terms and conditions of the panel arrangement any contracts valued over \$1 million would require a formal declaration report indicating the estimated cost and budget be accepted by Council before the project can proceed to construction.

On 8 September 2023, Council invited five (5) pre-qualified suppliers from the Road Construction and Associated Works Panel to submit their pricing for Maddens Lane Road Rehabilitation. The tender process remained open for 18 business days, closing on 4 October 2023 and four (4) Submissions were received.

Options Considered

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

Tenderer's submissions were assessed for conformity with the tender documents and no tenders were eliminated from further evaluation as a result of any non-conformances.

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

Evaluation Criteria	Weighting
Price	80%
Resourcing	5%
Timeframes	15%
TOTAL	100%

Recommended option and justification

Following a detailed evaluation process, as outlined in Confidential Attachment 1. The evaluation panel are unanimous in their decision to recommend Prestige Paving Pty Ltd as the successful tenderer for EOI6105 7359 Maddens Lane Road Rehabilitation. The evaluation panel request that Council adopts the recommendations within this report.

FINANCIAL ANALYSIS

Maddens Lane, Gruyere (Maroondah Highway to Medhurst Road) is listed under the Roads Rehabilitation & Renewal Program within the Yarra Ranges Council Capital Expenditure Program with an allocated funding of \$2,050,000 across two financial years 2023/24 (\$972,000) and 2024/25(\$1,078,000).

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan: The road rehabilitation works meets the Council Plan 2021-2025 strategic objective of Quality Infrastructure and Liveable Places. Ensuring that the network of roads, footpaths, bridges and drainage are maintained and renewed into the future.

RELEVANT LAW

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

SUSTAINABILITY IMPLICATIONS

Economic Implications

The construction of these roads would be undertaken utilising contractors from Council Road Construction and Associated Works Panel. This panel was established with a majority of local smaller contractors which will help provide economic support to these local businesses.

Social Implications

The recommended tenderer is a local business that resides and operates within Yarra Ranges Council. It has a successful history of recruiting local staff and utilising local sub-contractors.

Environmental Implications

As part of the contract the successful tenderer will be required to prepare and adhere to a Construction Environmental Management Plan for the duration of the project.

COMMUNITY ENGAGEMENT

Residents and businesses along Maddens Lane, Gruyere will be notified of the works prior to works commencement.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Not relevant.

RISK ASSESSMENT

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

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*.

ATTACHMENTS TO THE REPORT

1. EO16105 7359 Maddens Lane Road Rehabilitation Council Evaluation Report

Confidential Item

EOI6105 7181: CEDAR COURT, BURNS WAY (INCLUDES HARVEST CLOSE), LOCH AVENUE, MAYVIEW DRIVE, MONBULK - ROAD IMPROVEMENT WORKS SPECIAL CHARGE SCHEME

Report Author: Senior Project Engineer
Responsible Officer: Director, Built Environment and Infrastructure
Ward(s) affected: Chandler;

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

The item has been included in the public agenda to facilitate openness and transparency in Council's decision making. Confidential attachments have been included with the report which contain commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

SUMMARY

This report summarises the quotation evaluation process for the Cedar Court Group, Monbulk - Road Improvement Special Charge Scheme and seeks Council approval to award the contract for construction to TDM Earthworks Pty Ltd.

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

On 10 January 2023 Council received formal notification dated 19 December 2022, from the Federal Government that the \$150 Million Federal Government funding initiative would be reduced with Council only receiving total funding in the program of \$47.656 Million (\$47.7M). As a result of these funding cuts, Council's ability to construct all roads on the endorsed priority list will not be possible.

At its meeting on 11 April 2023, Council considered a report for seven Special Charge Schemes that will proceed to construction. Cedar Court Road Group Monbulk was included in one of the seven groups of Special Charge Schemes to proceed to construction.

Landowner support has been sought and obtained for construction of the roads Loch Avenue, Burns Way, Mayview Drive, Harvest Close and Cedar Court, Monbulk, in accordance with Council's Special Charge Scheme Policy. The project has been listed in Council's 2023/24 Capital Expenditure Program.

The Special Charge Scheme Statutory Process has been successfully completed and the project is ready for construction.

RECOMMENDATION

That

1. ***Council accepts the tender from TDM Earthworks Pty Ltd for the total lump sum price of \$1,219,978.41 (GST exclusive), \$1,341,976.25 inclusive of GST and all provisional items as defined in this proposal.***
2. ***Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.***
3. ***The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.***

RELATED COUNCIL DECISIONS

- Council meeting 24 September 2019 – Council considered a report regarding the Federal Government Road Construction Funding Initiative and endorsed a listing of roads proposed for construction as Special Charge Schemes with landowner contributions fixed at \$7,000 per development unit.
- Council meeting 25 August 2020 – Council approved the establishment of a panel of pre-qualified Road Construction and Associated Works contractors, to facilitate the efficient delivery of road infrastructure projects.
- Council meeting 26 July 2022 – Council approved a report on the Intention to Levy a Special Charge Scheme for Loch Avenue, Burns Way, Mayview Drive, Harvest Close and Cedar Court, Monbulk.
- Council meeting 27 September 2022 – Council declared the Special Charge Scheme for Loch Avenue, Burns Way, Mayview Drive, Harvest Close and Cedar Court, Monbulk.
- Council meeting 11 April 2023, Council considered a report for seven Special Charge Schemes that will proceed to construction. Cedar Court Group Monbulk was included in one of the seven Special Charge Schemes to proceed to construction.

DISCUSSION

Purpose

To seek Council approval to award EOI6105 7181 Cedar Court, Burns Way (Includes harvest Close), Loch Avenue, Mayview Drive, Monbulk - Road improvement works Special Charge Scheme.

Background

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

To support efficient procurement processes, Council sought Expressions of Interest from contractors to establish a panel of twelve (12) pre-qualified Road Construction and Associated Works contractors to EO16105. From this list Council would seek quotations for road construction and associated works, as and when funding allows.

Under the terms and conditions of the panel arrangement any contracts valued over \$1 million would require a formal declaration report indicating the estimated cost and budget be accepted by Council before the project can proceed to construction.

On 11 October 2023, Council invited five (5) pre-qualified suppliers from the Road Construction and Associated Works Panel to submit their pricing for the EO16105 7181 Cedar Court, Burns Way (Includes harvest Close), Loch Avenue, Mayview Drive, Monbulk - Road improvement works Special Charge Scheme.

The tender process remained open for 10 business days, closing on 25 October 2023 and five (5) Submissions were received.

Key Issues

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

Tenderer's submissions were assessed for conformity with the tender documents and no tenders were eliminated from further evaluation as a result of any non-conformances.

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

Evaluation Criteria	Weighting
Price	80%
Capability and Capacity	10%
Timeframes	10%
TOTAL	100%

Recommended option and justification

Following an extensive evaluation process as detailed in Confidential Attachment 1, the evaluation panel are unanimous in their decision to recommend TDM Earthworks Pty Ltd for the Tender Price inclusive of provisional items. TDM Earthworks Pty Ltd offers the best value outcome.

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

FINANCIAL ANALYSIS

The total cost of the lump sum contract for the road construction is \$1,219,978.41 (GST exclusive), \$1,341,976.25 Inclusive of GST including all provisional sums.

Funds are allocated to this project are from:

- The 2019 Federal Government \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas; and
- Landowner Contributions as part of a Special Charge Scheme beginning in the 2024/25 financial year. The funding details are provided within the Confidential attachment.

Works are anticipated to commence in February 2024 with works expected to reach practical completion by 30 December 2024.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan: This report contributes to the following strategic objective(s) in the Council Plan: 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.

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

This project is part of the Federal Government's sealing roads within the Dandenong Ranges and surrounding areas program.

RELEVANT LAW

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

SUSTAINABILITY IMPLICATIONS

Economic Implications

The construction of these roads would be undertaken utilising contractors from Councils Road Construction and Associated Works Panel. This panel was established with a majority of local smaller contractors which will help provide economic support to these local businesses.

Social Implications

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*.

Environmental Implications

No trees are required to be removed as part of the proposed works..

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

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

The sealing of local roads will assist in reducing the impacts to the road condition from increased storm events, predicted as a result of climate change. Unsealed roads greatly deteriorate in condition following storm events creating an increased stress on service delivery for the unsealed road network.

Consideration is also given to the rate of flow of water into local creeks and impacts to water quality following the sealing local roads, sustainable treatment is prioritised, where possible within the catchment with measures such as grassy swales implemented as conditions allow.

As part of the construction of local roads, Council officers are continually investigating the increased use of recycled materials. In utilising recycled materials, officers consider the availability and location of materials, the quality of materials and overall cost to the project.

COMMUNITY ENGAGEMENT

Landowners in Loch Avenue, Burns Way, Mayview Drive, Harvest Close and Cedar Court, Monbulk, have been consulted in the lead up to and through the statutory process for developing a Special Charge for the construction of their roads.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Projects constructed under the Roads for Community Initiative have been jointly funded by the Federal Government and participating landowners.

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.
- Where sections of high-volume rural roads intersect with collector/arterial roads.

In considering a strategic approach for future construction of unsealed roads, the proposed road construction of Loch Avenue, Burns Way, Mayview Drive, Harvest Close and Cedar Court, Monbulk, fit within the above criteria.

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

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.

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*.

ATTACHMENTS TO THE REPORT

1. EOI6105 7181 Cedar Court, Burns Way (Includes harvest Close), Loch Avenue, Mayview Drive, Monbulk - Road improvement works Special Charge Scheme.

Confidential Item

11. 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.

12. ITEMS THROUGH THE CHAIR

13. REPORTS FROM DELEGATES

14. DOCUMENTS FOR SIGNING AND SEALING

Report Author: Governance Officer
Responsible Officer: Director Corporate Services
Ward(s) affected: (All Wards)

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020 and in accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

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

Letter Under Seal - Sue Thompson

A letter under seal has been prepared in recognition of Sue Thompson, who has resigned as President of Lilydale & District Historical Society after 37 years of service.

RECOMMENDATION

That the following listed document be signed and sealed:

Letter Under Seal - Sue Thompson

15. INFORMAL MEETINGS OF COUNCILLORS

Report Author: Governance Officer
Responsible Officer: Director Corporate Services
Ward(s) affected: All Wards

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public

SUMMARY

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 records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.

ATTACHMENTS TO THE REPORT

1. 17 October 2023 - Council Briefing
2. 17 October 2023 - Council Forum
3. 17 October 2023 - Review of Complex Planning Matters
4. 31 October 2023 - Council Forum
5. 8 November 2023 - Council Briefing
6. 8 November 2023 - Council Forum

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Briefing	
Date:	17 October 2023	Start Time: 5.57pm Finish Time:6.15pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference	
Attendees:	<p>Councillors: Jim Child (Chair), Len Cox, Sophie Todorov (Deputy Mayor) Andrew Fullagar, Fiona McAllister, David Eastham, Johanna Skelton, and Tim Heenan.</p> <p>CEO/Directors: Tammi Rose, Kath McClusky, Jane Price, Hjalmar Philipp and Andrew Hilson</p> <p>Officers: Gina Walter, Sarah Candeland and Amanda Kern</p> <p>Externals: Nil</p>	
Apologies	Richard Higgins	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> • Nil 	
Matter/s Discussed:	This briefing covered the following items of business to be considered at the 24 October 2023 Council Meeting.	
	10.1	2022-2023 Annual Report
	10.2	2022-23 Annual Financial Statements and 2022-23 Performance Statement - Adoption in Principle
	10.3	YR-2020/104 - 5 Seymour Street, Seville - Planning Report
	10.4	Draft Housing Strategy – Endorsement for Public Consultation
	10.5	EOI7308 Water Tank Infrastructure Specialist Panel
	10.6	CT7063 Provision of Fire Slashing Services - Update
	10.7	Aged Services Review
	10.8	Aquatics Strategy - Pending
Completed By:	Gina Walter	

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	17 October 2023	Start Time: 7.00pm Finish Time 9.33pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonference	
Attendees:	Councillors:	Jim Child (Chair), Len Cox, Sophie Todorov (Deputy Mayor) Andrew Fullagar, Fiona McAllister (Exited the Chamber at 8.38pm – returned at 8.42pm), David Eastham, Johanna Skelton and Tim Heenan
	Via Zoom:	Cr R Higgins (From 7.07pm)
	CEO/Directors:	Tammi Rose, Kath McClusky, Jane Price, Hjalmar Philipp and Andrew Hilson
	Officers:	Gina Walter, Sarah Candeland, Cathrine Bennett, Sarah Brophy, Garry Detez, Corinne Bowen, Phil Murton, Liam Routledge and Joanne Hammond
	Via Zoom:	Paul Bourne-Bryant
	Externals:	Nil
Apologies	Nil	
Disclosure of Conflicts of Interest:	Nil	
Matter/s Discussed:	1.4	Declarations of Interest
	2.1	Action and Agreement Record
	2.2	Budget Briefing
	2.3	Reconciliation Plan
	2.4	Draft Aquatics and Leisure Strategy 2022-2023 - Release for Community Consultation
	3.0	For Noting
	3.1	Indicative Forum & Council Meeting Schedule
	4	Mayor & CEO Update
	5	General Business
	6	Late Items and Urgent Business
Completed By:	Gina Walter	

Assembly of Councillors

Public Record



Informal Meeting of Councillors

Public Record



Meeting Name:	Review of Complex Planning Matters	
Date:	17 October 2023	Start Time: 5.32pm Finish Time:5.56pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference	
Attendees:	Councillors:	Jim Child (Chair), Len Cox, Sophie Todorov (Deputy Mayor) Andrew Fullagar, Fiona McAllister, David Eastham, Johanna Skelton, and Tim Heenan.
	CEO/Directors:	Tammi Rose, Kath McClusky, Jane Price, Hjalmar Philipp and Andrew Hilson
	Officers:	Gina Walter, Sarah Candeland, Amanda Kern, Alexia Paterson, and Bumeke Jayasinghe
	Externals:	Nil
Apologies	Richard Higgins	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> • Nil 	
Matter/s Discussed:	1.2	YR-2020/104 - 5 Seymour Street, Seville - Planning Report
Completed By:	Gina Walter	

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	31 October 2023	Start Time: 7:00 Finish Time 10.03
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonerece	
Attendees:	Councillors:	Cr J Child (Chair), , Cr T Heenan, Cr D Eastham, Cr J Skelton, Cr S Todorov (Deputy Mayor) and Cr F McAllister
	Via Zoom:	Cr L Cox, Cr A Fullagar and Cr R Higgins
	CEO/Directors:	Tammi Rose, Hjalmar Philipp, Andrew Hilson, Jane Price and Amanda Kern (Acting Director Planning and Sustainable Futures)
	Officers:	Andrew Edge, Ben Waterhouse, Tim Grace, Scott Spargo, Tamara Meadows, Joanne Hammond, Jane Sinnamon, Jessica Thomas
	Via Zoom:	Nathan Islip, Adam Berley, Abby McCarthy
	Externals:	Nil
Apologies	Nil	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> Nil 	
Matter/s Discussed:	1.4	Declarations of Interest
	2.1	Action and Agreement Record - 10 October 2023
	2.2	Action and Agreement Record - 17 October 2023
	2.3	Monbulk Urban Design Framework – Post-Consultation and Adoption
	2.4	Warburton Urban Design Framework – Post-Consultation and Consideration
	2.5	Community Heart in Lilydale (CHIL) Precinct Design Framework Draft
	2.6	Improving Community Satisfaction
	3.0	For Noting

Assembly of Councillors

Public Record



	3.1	Indicative Forum & Council Meeting Schedule
	4	Mayor & CEO Update
	5	General Business
	6	Late Items and Urgent Business
Completed By:	Andrew Edge	

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Briefing		
Date:	8 November 2023	Start Time: 7:10pm	Finish Time:7:11pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference		
Attendees:	Councillors:	Cr J Child (Chair), Cr A Fullagar, Cr T Heenan, Cr J Skelton, Cr S Todorov (Deputy Mayor) and Cr D Eastham	
	CEO/Directors:	Tammi Rose, Hjalmar Philipp, Andrew Hilson, Jane Price and Amanda Kern (Acting Director Planning and Sustainable Futures)	
	Officers:	Gina Walter and Sarah Candeland	
	Externals:	Nil	
Apologies	Cr L Cox, Cr R Higgins and Cr F McAllister		
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> • Nil 		
Matter/s Discussed:	This briefing covered the following items of business to be considered at the 14 November 2023 Council Meeting.		
	7	Election Of The Mayor and Deputy Mayor	
Completed By:	Gina Walter		

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	8 November October 2023	Start Time: 7:11pm Finish Time 10.31pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonerece	
Attendees:	Councillors:	Cr J Child (Chair), Cr A Fullagar, Cr T Heenan, Cr J Skelton, Cr S Todorov (Deputy Mayor), and Cr D Eastham
	Via Zoom:	Cr F McAllister (From 7.43pm) Cr L Cox (From 7:50pm)
	CEO/Directors:	Tammi Rose, Hjalmar Philipp, Andrew Hilson, Jane Price and Amanda Kern (Acting Director Planning and Sustainable Futures)
	Officers:	Gina Walter, Sarah Candeland, Bumeke Jayasinghe, Amanda Smith, Monika Winston, Sarah Bond, Julian Guess, Lisa Keedle, Helen Ruddell, Corinne Bowen, Joanna Hammond and Kim O'Connor
	Via Zoom:	Abby McCarthy, Jane Sinnamon, Jesse Pearman
	Externals:	Rianda Mills and Luke Cunningham (Rain Consulting)(From 7.53pm to 9.03pm)
	Via Zoom:	Chloe Ward (Victorian Forestry Program - DEECA)(Fom 7.11pm-7.41pm), Tammy Garret (CFA) (From 7.41pm to 8.19pm)
Apologies	Cr R Higgins	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> • Nil 	
	2.0	Matters for Discussion
	2.1	Upper Yarra Local Development Strategy Update
	2.2	Seasonal Outlook & Bushfire Preparedness
	2.3	Stormwater Management Plan
	2.4	Nature Plan – Consideration of Community Feedback and Plan for Future Adoption
	2.5	Proposal for Monthly Council Meetings
	3.0	For Noting
	3.1	Capital Works Program Quarterly Report - September 2023
	3.2	Indicative Forum & Council Meeting Schedule
	4	Mayor & CEO Update

Assembly of Councillors

Public Record



Completed By:	5	General Business
	6	Late Items and Urgent Business
	Gina Walter	

16. URGENT BUSINESS

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.

17. CONFIDENTIAL ITEMS

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.

There were no Confidential Items listed for this meeting.

18. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 12 December 2023 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and 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.