

Council Meeting

Agenda

Tuesday, 12 December 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>

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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.

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YARRA RANGES COUNCIL

**AGENDA FOR THE 595TH COUNCIL MEETING TO BE HELD ON TUESDAY
12 DECEMBER 2023 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE AND VIA VIDEOCONFERENCE**

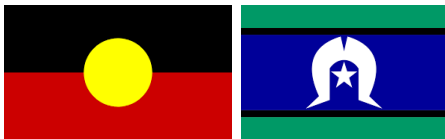
1. MEETING OPENED

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
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Director Planning & Sustainable Futures, Kath McClusky

4. APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received prior to the commencement of this meeting.

5. MAYORAL ANNOUNCEMENTS

6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meeting held Tuesday 28 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.

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

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.

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

AMENDMENT C217 EROSION MANAGEMENT OVERLAY PANEL RECOMMENDATIONS AND CONSIDERATION FOR ADOPTION

Report Author: Executive Officer Strategic Planning
 Responsible Officer: Director Planning & Sustainable Futures
 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

Amendment C217 proposes to amend the Yarra Ranges Planning Scheme to update the schedule to the Erosion Management Overlay and include the Incorporated Document '*Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO1)*' in the Planning Scheme.

The amendment was placed on public exhibition from 22 June to 27 July 2023 with a total of 12 submissions received. Of those, two submissions supported the amendment, six submissions supported the amendment and requested changes, one submission neither supported the amendment or suggested any changes, one submission opposed the amendment and two submissions stated they had no objection to the amendment.

At the Ordinary Council meeting of 12 September 2023, Council resolved to refer submissions to an Independent Planning Panel appointed by the Minister for Planning.

The Panel hearing was held on 23 October 2023. The Panel has now provided its report and recommendations to Council.

The Panel has recommended that Amendment C217 be adopted, as exhibited subject to changes as outlined in the Panel report. A copy of the panel report is at Attachment 1. Officers have assessed and responded to the Panel's recommendations with a final recommended position for consideration (Attachment 2).

This report recommends that Council adopt Amendment C217 in accordance with some of the Panel's recommendations and generally in accordance with the changes recommended in Attachment 2 and Attachment 4.

RECOMMENDATION

That Council

- 1. Note the recommendations of the Panel Report.**
- 2. Adopt Amendment C217 to the Yarra Ranges Planning Scheme with changes generally in accordance with the changes discussed in Attachment 2 and shown in Attachment 4.**
- 3. Submit Amendment C217 to the Minister for Planning for approval.**
- 4. Write to submitters advising of the outcome of Council's decision.**

RELATED COUNCIL DECISIONS

At the Ordinary Council meeting of 9 June 2023, Council resolved to:

- Request the Minister for Planning to authorise the preparation and exhibition of Amendment C217 to update the schedule to the Erosion Management Overlay and include the Incorporated Document '*Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO1)*' in the Planning Scheme.
- Subject to the Minister's authorisation, exhibit Amendment C217 to the Yarra Ranges Planning Scheme.
- Receive a further report considering submissions following exhibition of the amendment.

At the Ordinary Council meeting of 12 September 2023, Council resolved to:

- Note the matters raised in submissions to Amendment C217.
- Note the changes proposed to be made to the Amendment in response to submissions.
- Request the Minister for Planning to appoint an Independent Planning Panel under section 23 of the *Planning and Environment Act 1987*, to consider unresolved submissions to Amendment C217.
- Write to all submitters advising them of Council's decision to refer the submissions to a Panel.

DISCUSSION

Purpose and Background

Purpose

The purpose of this report is to discuss the recommendations of the Planning Panel and to recommend adoption of Amendment C217 with changes.

Background

Erosion Management Overlay

Landslide management was first implemented by the former Shire of Lillydale in the early 1990's through changes to the planning scheme in response to property destruction caused by landslides through the 1980's and early 1990's. The forerunner to the current Yarra Ranges EMO was implemented in 2001 and was based on historic mapping undertaken using topographic information available at the time, mostly 1960's Melbourne Metropolitan Board of Works (MMBW) contour plans and through viewing aerial photography.

In December 2009, Amendment C40 to the Yarra Ranges Planning Scheme replaced the schedule to the EMO introduced in 2000, by including an updated landslip risk assessment process which enabled the consideration of development on land with serious risk characteristics. The objectives, decision guidelines, exemptions and information requirements were also updated to include more detail. One of the key changes was that geotechnical assessments submitted with a planning application had to be prepared by practitioners with a specified level of experience and expertise.

Since the EMO Schedule was introduced in 1999, and further updated in 2009, there have been advances in the accuracy and methodology of landslide risk assessment in Australia. Notably the development of the Australian Geomechanics Society guidelines (AGS 2007), recent precedents of other Council EMO schedules being Council Meeting Agenda 12.09.23 updated to reflect the AGS 2007 criteria, and technology developments, particularly high-resolution 3D scanning of topography (LIDAR). It is imperative that Yarra Ranges, as one of the most significant EMO areas in Victoria, now review and update the overlay and schedule to align with these improvements. There is also an obligation under the Planning and Environment Act 1987 to keep controls up to date, with this proposed Amendment achieving this outcome for the EMO.

Storm Event June 2021

The storm event of June 2021 damaged and destroyed many dwellings in Yarra Ranges, some because of landslip associated with the storm. It was identified at that time that there was a need to review and update landslip and debris flow risks in Yarra Ranges, especially considering the increased landslip risks arising from significant loss of trees which offer a degree of stabilisation to the soil. According to information collated by Council's Rebuilding Support Service (RSS), the storms were

destructive and caused 71 properties to be uninhabitable and a further 51 properties were damaged but still habitable.

Council requested financial assistance to assist with several matters arising from the storm event including the need to bring forward a review the EMO due to changed land conditions. Council received \$300,000 in grant funding under the National Recovery and Resilience Agency’s Preparing Australian Communities Program – Local to prepare the review of the EMO in Yarra Ranges.

Council engaged an expert Geotechnical consultant to review and advise on changes required to the EMO in the Yarra Ranges Planning Scheme. The report also considers the potential impacts of climate change on landslip susceptibility and how this can be factored into decision-making.

The report was considered by Council at the Council Meeting on 9 June 2023 and recommended that changes to the current EMO schedule are required to make it more streamlined and user friendly and that the risk provisions in the schedule are consistent with the guidance provided in the AGS 2007 (Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management). The proposed changes are discussed further below.

Amendment C217

Amendment C217 proposes to amend the current EMO schedule to make it more streamlined and user friendly and make the risk provisions in the schedule consistent with the guidance provided in the AGS 2007 (Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management).

The changes proposed to the EMO planning scheme provisions in the Planning Scheme are (in summary):

Table 1: Proposed Provisions

Provision	Change	Benefit
EMO Schedule 1: Permit Exemptions	An expansion of the planning permit exemptions for minor buildings and works and vegetation removal in the schedule.	Revise exemptions for minor or essential development for which landslide risks are typically, low or where society benefit clearly outweighs landslide risk.
	Introduction of discretionary clauses in the schedule to enable Council to exempt applications for cases where the community benefit outweighs landslide risk or where delaying works could be detrimental to slope stability.	Avoid delaying essential, beneficial work.
EMO Schedule 1: Subdivision Provisions	Developing separate requirements in the schedule for subdivision applications compared to new buildings and works.	Allows appropriate information to be provided and better informs assessment of applications within the EMO.
EMO Schedule 1: Tolerable Risk Criteria	Amending the tolerable risk criteria from Low to Medium for some structures such as houses and sheds. Further	Consistency with AGS 2007 Guidelines to provide a clear decision basis.

Provision	Change	Benefit
	explanation is provided below.	Allows risk threshold requirements to be consistent with importance of structure.
Incorporated Document	Simplification of the EMO schedule by relocating technical content intended for use by geotechnical practitioners to an Incorporated Document.	Simplify the EMO by removing technical jargon.

Reconsideration of risk to property criteria

The most significant change proposed by the amendment is to amend the risk to property criteria in the current EMO schedule, which currently requires an applicant to demonstrate low or very low risk to property to any development whether it be a garden shed or a hospital.

The report recommends that the criteria be amended from low to medium to bring the risk criteria into alignment with the industry standard AGS Guidelines (2007) which has also been adopted and included in other Planning Schemes (like Colac Otway).

Changing the risk criteria means that greater risk would be tolerated for lower impact structures. For example, a greater level of risk to a residential dwelling or farm shed could be tolerated compared to critical infrastructure such as a school or hospital.

Adoption of the criteria set out in the AGS 2007 Guidelines would require typical residential development to demonstrate at most a Moderate risk to property, which would also mean that there would be increased opportunities for development including the building of dwellings or dwelling extensions (subject to a planning permit) which is not currently possible.

The acceptance of a different risk criteria is discussed further below under Risk Assessment.

Key Issues

Submissions

A total of twelve submissions were received in response to the amendment exhibition. A summary of submissions is at Attachment 3.

Planning Panel Request

Section 23 of the *Planning and Environment Act 1987* states that after considering a submission which requests a change to the amendment, the planning authority must:

- Change the amendment in the manner requested; or
- Refer the submission to a panel appointed under Part 8; or
- Abandon the amendment or part of the amendment.

Given that two submissions raised matters that could not be resolved, Council resolved on 12 September 2023, to refer the Amendment and submissions to an independent Planning Panel appointed by the Minister for Planning.

A Planning Panel provides Council and all submitters with an opportunity to have the amendment proposal and matters raised within submissions further considered. Following the completion of the Panel, which generally includes a hearing, the Panel will provide a report to Council with its recommendations for consideration. The Panel Report has been received and key issues raised will be the main focus of this report.

The key function of a Panel is to consider issues raised in submissions, however it may take into account any matter it thinks is relevant. In adopting an amendment Council must set out its reasons if it does not agree with any of the Panel's recommendations.

Planning Panel Hearing

The Minister for Planning formally appointed a one-person Panel on 13 September 2023.

A Directions Hearing was held by video conference on 25 September 2023.

The formal Panel Hearing was held by video conference on 23 October 2023. Council called Mr Darren Paul of WSP Golder as an expert witness.

Key issues addressed by the Panel during the hearing were whether:

- The current EMO should be removed from 3 Johnston Parade and 4 Oberon Avenue, Ferny Creek.
- An exemption should be provided to rebuild a damaged or destroyed building where there is evidence that the land is stable.
- The planning provisions are clear and practical.

Panel Report

The Panel submitted its report to Council on 16 November 2023 (Attachment 1).

The Panel supports the amendment and concluded that:

- It is satisfied that the Amendment is strategically justified and delivers net community benefit and sustainable development as required by Clause 71.02-3 (Integrated decision making) of the Yarra Ranges Planning Scheme.
- The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework.
- The Amendment is well founded and strategically justified and that it should proceed subject to addressing the more specific issues raised in submissions as discussed in the Panel Report.

- It would be premature to take parcels out of the current EMO without detailed geotechnical investigations to inform revised mapping.
- It is appropriate that a planning permit is required to reconstruct damaged buildings to ensure landslide risks are properly assessed against current site conditions.
- Substantial redrafting of the proposed Erosion Management Overlay Schedule 1 is required to ensure provisions are clear and practical and comply with *Ministerial Direction 1: The Form and Content of Planning Schemes and the Practitioner's guide to Victoria's planning schemes, Version 1.5, April 2022*.

Panel Recommendations and Response

The Panel recommends that Yarra Ranges Planning Scheme Amendment C217 be adopted as exhibited subject to the following changes.

The recommendations are discussed in detail in Attachment 2 with an officer response and recommended position. In Summary:

Recommendation 1

Amend the labelling of the Erosion Management Overlay maps from 'EMO' to 'EMO1'.

It is considered this is unnecessary and would cause confusion given the amendment did not propose any mapping changes. The re-labelling of the maps can be addressed through a future planning scheme amendment.

Officers have sought advice from the Department of Planning (DTP) on the Panel's recommendation. DTP has advised it is not necessary to amend the maps to label them EMO1 as part of Amendment C217.

It is recommended that Council do not support the Panel recommendation.

Recommendation 2

Amend the Erosion Management Overlay Schedule 1 as shown in the Panel preferred version in Appendix D (Attachment 1 to this report) to:

- a) Under Clause 2.0, delete policy guidance content.
- b) Under Clause 3:
 - include a permit requirement for a fence and exempt open masonry fencing and timber, wire and aluminium fencing;
 - include a permit requirement for a rainwater tank and domestic swimming pool or spa;
 - standardise the capacity of water holding structures not requiring a permit to 5,000 litres;

- delete the permit exemption for retaining walls constructed to provide support to existing unsafe earthworks;
- delete the permit exemptions for repair and routine maintenance; and
- amend the permit exemption for vegetation removal to vegetation with a circumference of 0.5 metres measured at 1.3 metres above ground level.

c) Under Clause 4.0:

- consolidate application requirements for specific types of application; and
- revise the application requirement waiver.

The response to the recommended changes to the EMO schedule are summarised and discussed below with more detail provided in Attachment 2.

Recommendation	Issue raised by Panel	Recommendation
2a) Delete policy guidance from Clause 2.0	See response to Recommendation 3 below	Not support
2b) Fences	The Panel did not support the use of the term 'other lightweight fencing' as it lacks the specificity required for a permit exemption.	Support Support the removal of the term other lightweight fences from the EMO schedule.
2b) Rainwater tanks	The Panel concluded that the proposed permit exemptions for water holding structures are generally appropriate, subject to changes to scheduling in permit requirements that are otherwise exempt under Clause 62.02-2.	Support
2b) Water holding structures	The Panel recommend standardising the capacity of impervious water holding structures not requiring a permit to 5,000 litres to ensure consistency with Australian Standards.	Support with changes Support the Panel's recommendation that the permit requirements under the Schedule to the EMO can be further adjusted to make this clearer. The recommended wording that has been discussed with Council's geotechnical consultant is

Recommendation	Issue raised by Panel	Recommendation
		included in Attachment 2 and 4. Note Council's preferred wording of the Schedule.
2b) Retaining Walls	See discussion below	Not support
2b) Vegetation removal	The Panel concluded that the proposed permit exemption for vegetation removal is generally appropriate, subject to changes to make the exemption clear so that it can be practically applied.	Support Support the recommendation as there was a drafting error in exhibited EMO schedule.
2b) Repair and routine maintenance	The Panel concluded that repair and routine maintenance have not been demonstrated to increase the risk of landslip. It recommended that permit exemptions for repair and routine maintenance provided by Clause 62.02-2 Buildings and Works exemptions should remain without local variation.	Support Support the removal of routine maintenance from the EMO Schedule as these types of works are already exempted under Clause 62.02-2.
2c) Consolidate application requirements for specific types of applications	The Panel recommended amending the Erosion Management Overlay Schedule, Clause 4.0 to consolidate application requirements for specific types of applications. The Panel prefers that the application requirements for specific development types (buildings and works, and subdivision) are consolidated into a logical list so they can be easily understood by landowners and practitioners.	Support with changes The changes proposed by the Panel are generally supported with a proposed change to the application requirement for a geotechnical assessment that has been redrafted to make it clear if it applies to buildings and works or subdivision (or both) without referring to the proposed Incorporated Document. The proposed wording is set out in Attachment 4.
2c) Revise the application requirement waiver	The Panel recommended that the proposed application requirement waiver is generally appropriate, subject to replacing the exhibited text with the standard waiver used in the	Support with changes As the EMO manages a potential risk to life and property, it is unlikely that the application requirements would

Recommendation	Issue raised by Panel	Recommendation
	Victoria Planning Provisions to ensure consistency across the Planning Scheme.	be waived very often however the Panel prefers the use of the generic Victoria Planning Provisions wording for the proposed waiver provision to maintain consistency across the Planning Scheme. The proposed wording is set out in Attachment 4.

Retaining Walls

The Panel expressed concern about whether the proposed permit exemptions, particularly for fencing and retaining walls are clear. Submission 9 also sought clarification on whether all four permit exemption requirements (rather than any of the four) must be met for a retaining wall to be exempt from a planning permit.

Following the exhibition period, Council acknowledged that the retaining wall exemptions could have been made clearer, because the exemption from a planning permit to construct a retaining wall or provide slope retention which is specifically intended to provide support to and rectify existing unsafe earthworks; was intended to be a stand-alone exemption.

The Panel accepted Council's geotechnical expert's evidence that allowing the development of a retaining wall designed to mitigate or reduce a pre-existing landslip hazard will encourage remediation of existing hazardous earthworks. However, the Panel was not satisfied that the drafting of the exemption is sufficiently clear to enable its consistent application. In particular, the Panel felt that the exemption requires a decision maker to form an opinion about the meaning or extent of the term 'unsafe earthworks'.

The panel suggest that if the intent is to allow the repair of damaged structures, it is likely this could be achieved under general exemptions for repair and routine maintenance under Clause 62.02-2, negating the need for a specific exemption.

Officers have sought the advice of Council's geotechnical expert who has advised that an exemption of this type should be retained in the Schedule to the EMO as exhibited, as this is found to provide a useful incentive for the mitigation of unsafe works.

Given that there were no permit requirements for earthworks prior to 2001, there is a higher likelihood that these earthworks over time may need to be safely remediated. By specifying that the exemption (in this particular case) applies to earthworks which were undertaken prior to 2001, makes the exemption clear.

It is suggested that rather than remove the exemption, or rely on Clause 62.02-2, Council seek to further explain by including the following wording in the schedule which also addresses the Panel's concern regarding clarity on this matter:

A retaining wall or slope retention to support existing earthworks provided the earthworks were undertaken prior to 2001.

Other Schedule Changes

The Panel has provided their preferred version of the EMO Schedule. This has been reviewed by Council's Geotechnical expert who is also a practitioner. He has advised that the Panel's recommended changes in Section 3.0 'Permit Requirement' that split what does and what does not require a planning permit, does not work well in practice as it is not possible to include a comprehensive list of all buildings and works that might require a permit.

It is preferred that the schedule specify that all new buildings and works and subdivision require a planning permit unless they are specifically exempted. This approach also provides greater clarity for a statutory planning officer who will need to understand how to use the Schedule, as well understand what does and does not require a planning permit when advising customers. The changes to the Schedule are set out in Attachment 4 and are consistent with the exhibited version of the schedule; with the changes which are agreed to from the Panel's preferred version. The Panel's preferred version of the Schedule is contained as an appendix to the Panel Report.

Recommendation 3

Insert a new local policy in Clause 13.04-2S (Erosion and landslip) as shown in the Panel preferred version in Appendix E (Attachment 1 to this report).

The Panel in making this recommendation considered that the inclusion of an explanation of what 'tolerable risk' means as well as the inclusion of Table 1 – 'Maximum tolerable risk to property' is not appropriate to include in Clause 2.0 Statement of Risk in the EMO schedule, and that this information should be redrafted as a local policy under Clause 13.04-2S (Erosion and Landslip).

The Panel considered that the exhibited drafting of Clause 2.0 is much more than a Statement of Risk and contains elements of a 'requirement' or a 'policy guideline'.

It is considered that the Statement of Risk should remain within the Schedule to the EMO. Placing the Statement of Risk in a policy as a discretionary policy guideline that does not need to be given effect, is not appropriate in this instance.

The tolerable risk requirements to be achieved for new development are not discretionary (as they must be in accordance with the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007). One of the main purposes of Amendment C217 was to enable a change to the tolerable risk criteria from very low/low to medium.

In addition, separating the Statement of Risk from the Schedule will likely create confusion for planning scheme users. The retention of the explanation of tolerable risk in the Schedule is also consistent with the EMO schedule in the Colac Otway Planning Scheme.

As further discussed in Attachment 2 the placement of the statement of risk as a policy guideline in a local policy is also contrary to advice within the *Practitioners Guide to Victorian Planning Schemes, Version 1.5, DELWP, April 2022* that states that in most instances, specific (often numerical) requirements can be included in a schedule to a zone or overlay.

Officers have sought advice from the Department of Planning (DTP) on the Panel's recommendation. DTP has advised it generally supports Council's position that a local policy is not required and that the Statement of Risk should remain in the EMO schedule. DTP will further consider this matter when the amendment is submitted for approval.

It is recommended that Council do not support the Panel recommendation.

The Panel also recommended that Table 1 Maximum tolerable risk be amended to use land use terms consistent with those in Clause 73.03 Land use terms of the Planning Scheme.

It is recommended that Council support this recommendation and amend the land use terms in accordance with the Panel's recommendation. The amendments to Table 1 are included within Attachment 4.

Recommendation 4

Amend Clause 72.02 Schedule (Documents Incorporated in this Planning Scheme) to include:

- Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Volume 42: No 1, March 2007.
- Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Volume 42: No 1, March 2007.

The Panel in making this recommendation considered that the requirements in the EMO schedule cannot be properly understood without the reference documents. The reference documents are therefore examples of external documents that are essential to the administration of the Planning Scheme and on this basis, they should be incorporated into the Planning Scheme.

It is considered that if the full documents were incorporated into the Planning Scheme, and that if these Guidelines were updated in the future, the planning scheme would need to be amended to replace the current versions and may mean that outdated versions of the guidelines are being used rather than the latest version.

The documents in their entirety are able to be accessed online. Following approval of the amendment, a link to the documents will be provided on Council's website.

Officers have sought advice from the Department of Planning (DTP) on the Panel's recommendation. DTP has advised that it is not appropriate or necessary to incorporate Australian Standards in the Planning Scheme.

It is recommended that Council do not support the Panel recommendation.

Recommendation 5

Amend Clause 1.0 of the Incorporated Document '*Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay*' to replace 'Registered Professional Engineer (RPEng)' with 'Registered Professional Engineer, Victoria registered under Part 2 of the *Victorian Professional Engineers Registration Act 2019*'.

It is considered that this will improve clarity and the recommendation is supported.

Panel Response to Submissions

The Panel also considered and made findings in relation to submissions that requested changes to the Amendment.

Submission 2

The submitter suggested that Council should be doing more to require individual landowners to manage large trees at risk of falling.

The Panel found that this matter is beyond the scope of Amendment and did not further address it.

Submission 3

The submitter sought a change to the amendment to include an exemption to rebuild a damaged or destroyed building, where there is evidence that the land is stable and where it can be demonstrated that landslip has not occurred for an extended period (for example over 50 years).

The Panel that a permit exemption should not apply for rebuilding a destroyed building based on its age. Clauses 52.10 and 63.10 are the State provisions relating to destroyed and damaged buildings. Both require planning permits to be obtained to develop land where an existing building is significantly damaged or destroyed.

Submission 6

The submitter suggested Council undertake road and drainage works to complement the Amendment.

The Panel found that this matter is beyond the scope of Amendment and did not further address it.

Submission 7

The submitter requested the current EMO be removed from properties at 3 Johnston Parade and 4 Oberon Avenue, Ferny Creek for reasons including that they are not subject to erosion or landslip risk.

The Panel found that as the amendment does not propose to revise the mapping of the overlay it would be premature to take parcels out of the current EMO without detailed geotechnical investigation. The Panel found that observations of the land owner cannot be relied upon to support a change in mapping.

Submission 9

The submitter sought clarification regarding whether aluminium is an appropriate lightweight fencing material that should be specifically listed in the fencing exemptions in the EMO schedule.

The Panel concluded that the proposed permit exemption for aluminium fencing is appropriate.

It is considered the Panel's recommendation should be accepted and the EMO schedule amended to make this change.

Submission 11

The submitter considered the list of geotechnical practitioners listed in the Incorporated Document should be expanded to include Victorian Registered Engineers with suitable experience.

The panel concluded that the list of geotechnical practitioners should be expanded to include 'Registered Professional Engineer, Victoria'.

It is considered the Panel's recommendation should be accepted and the Incorporated Document amended to make this change.

Other submissions which were in support of the Amendment, however needed to seek clarity, particularly with respect to proposed permit exemptions for fencing, retaining walls, water holding structures, including rainwater tanks, have also been addressed by the Panel.

Options consideredOption 1

Adopt the amendment with changes in accordance with the Panel's recommendations, as shown in the Panel report at Attachment 1.

While enabling the progression of the Erosion Management Overlay Amendment is a high priority, not all of the Panel's recommended changes are appropriate as discussed above and will compromise the integrity and operation of the EMO schedule. This option is not recommended.

Option 2

Adopt the amendment with some of the changes recommended by the Panel as discussed above and in Attachment 2.

In adopting an amendment contrary to any of the Panel's recommendations, Council must advise the Minister for Planning of the reasons why the recommendations have not been accepted or have been partially accepted.

Officers accept that some of the Panel's recommendations are reasonable and have merit, however not all of the Panel's recommended changes are appropriate as discussed above and will compromise the integrity and operation of the EMO schedule. Hence this option is recommended.

Option 3

Abandon the Amendment. If the updates to the Erosion Management Overlay were not pursued, Council would be failing in its obligations under the *Planning and Environment Act 1987* and the Yarra Ranges Planning Scheme to keep the scheme up to date. This option is not recommended.

Recommended option and justification

It is recommended Option 2 be pursued and that the Amendment be adopted with changes in accordance with the changes discussed in Attachment 2 and shown in Attachment 4.

FINANCIAL ANALYSIS

Council has received \$300,000 in grant funding under the National Recovery and Resilience Agency's Preparing Australian Communities Program – Local (PAC) which has been partly used to fund a review of the EMO by a geotechnical consultant, obtain the relevant LiDAR data, and the cost of a strategic planner to project manage the review and planning scheme amendment preparation.

The costs associated with a Planning Scheme Amendment would also be funded through the PAC funding.

This includes the costs associated with engaging a geotechnical consultant in reviewing submissions and appearing as an expert witness at a Planning Panel and the costs associated with the Planning Panel.

APPLICABLE PLANS AND POLICIES

This report contributes to the following Council strategies and plans:

- Council Plan (2021-25): Quality Infrastructure and Liveable Places;
- Municipal Recovery Plan Pandemic and Storm Recovery, 2022;

- Yarra Ranges Planning Scheme:
 - Clause 44.01 Erosion Management Overlay the purpose of which is to protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development, and
 - Clause 52.10 Reconstruction After an Emergency the purpose of which is to:
 - To facilitate the reconstruction of buildings and works damaged or destroyed as a result of an emergency;
 - To facilitate the re-establishment of businesses and services after an emergency; and
 - To facilitate the continued use of land for dwellings after an emergency.

RELEVANT LAW

The proposed planning scheme amendments has been prepared in accordance with the legislative requirements of the *Planning and Environment Act 1987*.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The amendment is not expected to have significant adverse economic effects. Inclusion of a site within the EMO generally does not prohibit changes to that site or buildings, but rather requires an application process whereby landslip can be considered and responded to appropriately.

Social Implications

The proposed changes to the planning scheme will make it clear to residents and the community what the intended outcomes are for properties impacted by an EMO.

Environmental Implications

The primary environmental implication of the proposed changes will be to manage the risk of landslip in the affected areas of Yarra Ranges.

COMMUNITY ENGAGEMENT

The amendment was placed on public exhibition for a month from 22 June to 27 July 2023 in accordance with the statutory requirements under the *Planning and Environment Act 1987*. Notification comprised:

- Notices published on 20 June 2023 in all local newspapers which circulate in the Yarra Ranges Local Government area;
- Letters sent by mail to all property owners and occupiers who are affected by the Erosion Management Overlay;
- Letters to relevant government agencies and departments;
- Notice published in the Government Gazette on 22 June 2023; and
- Information provided on Council's and the Department of Transport and Planning's websites.

In addition, an online information webinar was held on 26 June 2023 that included Council officers and a geotechnical engineering consultant on the panel.

The webinar was available for residents to view in a live setting and 27 people joined the webinar. The panel provided answers to questions following a slide show presentation of landslide issues and the proposed changes to the EMO. The webinar has since been recorded and is available on Council's Amendment C217 webpage.

Detailed frequently asked questions (FAQs) and answers were also added to Council's website, many of which were in response to the main questions asked by residents over the exhibition period.

Throughout the exhibition period, more than one hundred phone calls were received regarding the planning scheme amendment.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Amendments to the EMO planning scheme controls will contribute towards continuous improvement of the Yarra Ranges Planning Scheme by accurately reflecting landslip risks to appropriately guide land use and development.

RISK ASSESSMENT

One of the primary intentions of an EMO is to identify land that is susceptible to landslip and debris flow to reduce the associated risk to property and human life as a direct consequence.

The proposed changes to the EMO seek to bring Council's EMO schedule into line with the Australian Geomechanics Society Guidelines for Landslide Risk Management, AGS 2007 which recommends that greater risk can be tolerated for less 'important' structures (i.e.: a greater level of risk to a dwelling could be tolerated compared to a school or hospital).

To date there has been one measure of risk for all developments, with the current EMO requiring risk be low in all circumstances, which is more conservative than what other councils with an EMO control have adopted in their planning scheme

(Colac-Otway for example). Some Councils with limited EMO areas do not specify tolerable risk levels at all.

The review of the EMO provides an opportunity for Council to consider applying a moderate risk in appropriate circumstances and including more exemptions for planning applications. It is important to advise that the consideration of changing the risk tolerability to moderate for certain types of development/buildings like dwellings and other domestic buildings does not mean that Council changes their stance towards accepting risk. If a moderate risk to property for certain types of buildings was unacceptable Council would not be considering any change to its current tolerability criteria. Previously Council has generally opted for a low-risk approach – the updated information coming from the review allows increased flexibility and aligns with industry standards.

The benefit would mean that by accepting a moderate risk to property, Council will be able to provide improved opportunities for some properties that cannot achieve a rebuild under the current requirements, particularly after a major storm event.

Council must act in accordance with its adopted policies to be fully protected with insurance. Updating Council's position to align with industry standard guidance and updating the associated Planning Controls will enable Council to consider appropriate development in areas classified as having Moderate risk and still be consistent and not compromising Council's insurance protection. Formal advice has been sought from Council's insurance provider and will be considered as part of the Amendment 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. Amendment C217 Panel Report
2. Amendment C217 Panel Recommendations Response
3. Summary of Submissions
4. EMO Schedule adoption
5. Incorporated Document adoption
6. Clause 72.08 Schedule adoption
7. WSP Golder Basis for Amendment Report Background Document
8. Amendment C217 Explanatory Report
9. Clause 72.04 Schedule adoption

**Yarra Ranges Planning Scheme Amendment C217yan
Erosion Management Overlay**

Panel Report

Planning and Environment Act 1987

16 November 2023

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Yarra Ranges Planning Scheme Amendment C217yan

Erosion Management Overlay

16 November 2023



Alison McFarlane, Chair

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Glossary and abbreviations

AGS 2007 Landslide Guidelines	<i>Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007</i>
Amendment	Yarra Ranges Planning Scheme Amendment C217yan
Council	Yarra Ranges Shire Council
Current EMO	Erosion Management Overlay Schedule (current)
EMO	Erosion Management Overlay
EMO1	Erosion Management Overlay Schedule 1 (proposed)
Form and Content Direction	Ministerial Direction 1: The Form and Content of Planning Schemes
Golder Review	Erosion Management Overlay Basis for Schedule Amendment, WSP (Golder) Australia, May 2023
Planning Scheme	Yarra Ranges Planning Scheme
Practitioner’s Guide	<i>A Practitioner’s Guide to Victorian Planning Schemes Version 1.5, April 2022</i>

Overview

Amendment summary

The Amendment	Yarra Ranges Planning Scheme Amendment C217yan
Common name	Erosion Management Overlay
Brief description	Amend the form and content of the Erosion Management Overlay Schedule 1
Subject land	Land subject to the Erosion Management Overlay
Planning Authority	Yarra Ranges Shire Council
Authorisation	22 May 2023
Exhibition	22 June to 27 July 2023
Submissions	<p>Number of Submissions: 12</p> <p>Greg Bourne</p> <p>Leharna Black</p> <p>Christopher Betts</p> <p>Mario and Carlo Mazzella</p> <p>Environment Protection Authority Victoria</p> <p>Diego Caldarola</p> <p>Warren Blair</p> <p>Erin Myers Alexandra and Daniel Murcott</p> <p>Julia Noel</p> <p>Robert and Christine Dove</p> <p>Ben Young</p> <p>South East Water</p>

Panel process

The Panel	Alison McFarlane, Chair
Directions Hearing	Video conference, 25 September 2023
Panel Hearing	Video conference, 23 October 2023
Parties to the Hearing	Yarra Ranges Shire Council represented by Katherine Baltas, Senior Strategic Planner and Alison Fowler, Executive Officer Strategic Planning who called expert evidence on engineering from Darren Paul of WSP Australia Pty Ltd
Citation	Yarra Ranges PSA C217yan [2023] PPV
Date of this report	16 November 2023

Executive summary

A significant storm event in Victoria in June 2021 resulted in the damage and destruction of dwellings in Yarra Ranges. Many of the affected properties were in the Dandenong Ranges and nearby areas, which are also susceptible to other natural hazards including bushfire and landslip. Following the storm event, Yarra Ranges Shire Council (Council) received grant funding of \$300,000 under the Commonwealth Government's *Preparing Australian Communities Program – Local*, to undertake a review of the current Erosion Management Overlay Schedule (current EMO) in the Yarra Ranges Planning Scheme. Council engaged an expert geotechnical consultant to undertake the review.

The review recommended the current EMO be revised to make it more streamlined and user friendly. Yarra Ranges Planning Scheme Amendment C217yan (the Amendment) proposes to amend the current EMO to:

- align it with the guidance provided in the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*
- simplify the structure
- introduce new permit exemptions.

The Amendment does not propose to revise the mapping of the current EMO. Detailed geotechnical investigations to refresh existing mapping are proposed to be undertaken as part of a future process.

Key issues raised in submissions were whether:

- the current EMO should be removed from 3 Johnston Parade and 4 Oberon Avenue, Ferny Creek
- an exemption should be provided to rebuild a damaged or destroyed buildings where there is evidence that land is stable
- the planning provisions are clear and practical.

The Panel concludes:

- It would be premature to take parcels out of the current EMO without detailed geotechnical investigations to inform revised mapping.
- It is appropriate that a planning permit is required to reconstruct damaged buildings to ensure landslide risks are properly assessed against current site conditions.
- Substantial redrafting of the proposed Erosion Management Overlay Schedule 1 is required to ensure provisions are clear and practical, and comply with *Ministerial Direction 1: The Form and Content of Planning Schemes* and the *Practitioner's guide to Victoria's planning schemes, Version 1.5, April 2022*.

Clause 13 (Environmental risks and amenity) provides the strategic foundation for the Amendment. It requires planning to identify, prevent and minimise risks to the environment, human health and amenity. The Amendment is consistent with this objective. Of note, the Amendment lowers Council's risk tolerance for residential development in landslip areas, consistent with guidance applied elsewhere in Victoria and across Australia.

Overall, the Panel is satisfied the Amendment is strategically justified and delivers net community benefit and sustainable development as required by Clause 71.02-3.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Yarra Ranges Planning Scheme Amendment C217yan be adopted as exhibited subject to the following:

1. Amend the labelling of the Erosion Management Overlay maps from 'EMO' to 'EMO1'.
2. Amend the Erosion Management Overlay Schedule 1 as shown in the Panel preferred version in Appendix D to:
 - a) Under Clause 2.0, delete policy guidance content
 - b) Under Clause 3:
 - include a permit requirement for a fence and exempt open masonry fencing and timber, wire and aluminium fencing
 - include a permit requirement for a rainwater tank and domestic swimming pool or spa
 - standardise the capacity of water holding structures not requiring a permit to 5,000 litres
 - delete the permit exemption for retaining walls constructed to provide support to existing unsafe earthworks
 - delete the permit exemptions for repair and routine maintenance
 - amend the permit exemption for vegetation removal to vegetation with a circumference of 0.5 metres measured at 1.3 metres above ground level
 - c) Under Clause 4.0:
 - consolidate application requirements for specific types of application
 - revise the application requirement waiver.
3. Insert a new local policy in Clause 13.04-2S (Erosion and landslip) as shown in the Panel preferred version in Appendix E
4. Amend Clause 72.02 Schedule (Documents Incorporated in this Planning Scheme) to include:
 - a) *Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Volume 42: No 1, March 2007*
 - b) *Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Volume 42: No 1, March 2007.*
5. Amend Clause 1.0 of the Incorporated Document 'Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay' to replace 'Registered Professional Engineer (RPEng)' with 'Registered Professional Engineer, Victoria registered under Part 2 of the *Victorian Professional Engineers Registration Act 2019*'.

1 Introduction

1.1 The Amendment

(i) Amendment description

Yarra Ranges Planning Scheme Amendment C217yan (the Amendment) proposes to revise planning controls in the Yarra Ranges Planning Scheme (Planning Scheme) for areas prone to landslip.

Specifically, the Amendment proposes to:

- revise the current Erosion Management Overlay Schedule (unnumbered) (current EMO) with a new Erosion Management Overlay Schedule 1 (EMO1)
- amend Clause 72.04 Schedule (Documents Incorporated in the Planning Scheme) to insert *Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay, Yarra Ranges Shire Council, March 2023* as an Incorporated Document
- amend Clause 72.04 Schedule (Background Documents) to insert *Erosion Management Overlay Basis for Schedule Amendment, WSP Australia, May 2023* (Golder Review).

1.2 Background

Yarra Range Shire Council (Council) provided a detailed background to the Amendment. The Panel has summarised this in Table 1.

Table 1 Amendment C217yan chronology of events

Date	Event / Description
Early 1990s	The former Shire of Lilydale first introduced planning provisions to manage erosion in response to property destruction caused by landslides through the 1980s and early 1990s.
2000	Erosion Management Overlay introduced into the Planning Scheme based on topographic information largely derived from 1960s Melbourne Metropolitan Board of Works contour plans and aerial photography.
December 2009	Amendment C40 approved to revise the EMO. Introduced application requirements for a geotechnical assessment prepared by an expert practitioner.
June 2021	A significant storm event in Victoria resulted in the damage and destruction of many dwellings in Yarra Ranges. Council's Rebuilding Support Service reported the storms caused 71 properties to be uninhabitable and a further 51 properties were damaged but still habitable.
2022	Council received grant funding of \$300,000 under the <i>Commonwealth Government's Preparing Australian Communities Program – Local</i> , to undertake a review of the current EMO. Council engaged an expert geotechnical consultant to undertake the review.
May 2023	Council received report from geotechnical consultant WSP (the Golder Review).

The Golder Review recommended the current EMO be amended to:

- simplify the structure
- increase the risk tolerance to 'moderate' for certain buildings consistent with the guidance provided in the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007* (AGS 2007 Landslide Guidelines)
- include new exemptions for minor buildings, fencing and vegetation removal (refer Appendix B).

1.3 The Panel's approach

Key issues raised in submissions were:

- whether the current EMO should be removed from 3 Johnston Parade and 4 Oberon Avenue, Ferny Creek
- an exemption should be provided to rebuild a damaged or destroyed buildings where there is evidence that land is stable
- the permit and application requirements are clear, practical and appropriate.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, and submissions, evidence and other material presented to it during the Hearing. The Panel has been selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Issues raised in the submissions
- Other drafting issues.

1.4 Limitations

This report addresses submissions that requested changes to the Amendment. Submissions received in support of the Amendment from Submitters 6, 8 and South East Water are not discussed in the report.

Submitter 2 suggested Council should be doing more to require individual landowners to manage large trees at risk of falling. This is beyond the scope of Amendment and is not addressed further in this report.

Submitter 6 suggested Council undertake road and drainage works to complement the Amendment. This is also beyond the scope of the Amendment and is not addressed further in this report.

Council advised that it sought advice from its insurance provider regarding the Amendment, and it will consider that advice as part of the Amendment process. The Panel did not receive, and therefore not considered this advice.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix C highlights key imperatives of relevant provisions and policies.

Table 2 Planning context

Source	Relevant references
Victorian planning objectives	Section 4 of the PE Act
Municipal Planning Strategy	Clause 02.03-3 (Environment risks and amenity)
Planning Policy Framework	Clause 13.04-2S (Erosion and landslip) Clause 16.01-1L (Housing)
Other planning strategies and policies	Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
Planning scheme provisions	Clause 44.01 (Erosion Management Overlay) Clause 52.10 (Reconstruction after an emergency) Clause 63.10 (Damaged or destroyed buildings or works)
Ministerial directions	Ministerial Direction on the Form and Content of Planning Schemes Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	Planning Practice Note 46: Strategic Assessment Guidelines, September 2022
Other guidance	A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022

2.2 Context

The Golder Review explains:

- acceptable risk is a risk that requires no assessment or specific management
- tolerable risk is a risk that can be tolerated, subject to appropriate management
- under the current EMO 'low' or 'very low' risk is designated as tolerable, 'moderate' is not tolerable
- the AGS 2007 Landslide Guidelines suggests tolerable risk can be varied depending on the importance of the structure (where a public building is considered more important than a dwelling)
- where moderate risk has been assessed, a principle of 'As Low as Reasonably Practical' should apply and practical measures should be implemented to reduce risk if they are available
- a geotechnical assessment or landslide risk assessment undertaken by a geotechnical practitioner should provide recommendations to reduce risk to as low as reasonably practical
- implementation of the recommended measures should then become a condition of a planning permit.

2.3 Strategic justification

(i) Evidence and submissions

Council submitted:

- the current EMO requires all development to achieve a low or very low risk to property whether it be a garden shed or a hospital
- the Amendment increases the tolerable risk for certain types of development, like residential dwellings or farm sheds
- the tolerable risk for critical infrastructure such as a school or hospital will not change
- the proposed risk profile is consistent with AGS 2007 Landslide Guidelines and with other planning schemes, including Colac Otway
- the new approach will benefit the community who are facing difficulties rebuilding their homes after recent major storm events.

Darren Paul of WSP Australia Pty Ltd provided engineering evidence for Council. His evidence was:

The applicable regulatory authority (i.e., Yarra Ranges Council) is ultimately responsible for deciding what risk level is tolerable. Although there are guidelines to help inform the selection of a risk threshold, it is the responsible authority who must make this determination in line with societal expectations. For this Amendment, I provided a recommendation to Council to adopt the guidance set out in the AGS 2007 guidelines noting there is precedent from other Victorian LGA's (Local Government Authorities) that have adopted this guidance.

In response to questions from the Panel, Mr Paul confirmed:

- there is no standard for appropriate development in areas subject to erosion or landslip in Victoria
- local governments rarely have in-house specialists with technical expertise in erosion and landslip
- councils rely on technical advice from insured practitioners to inform permit decisions
- AGS 2007 Landslide Guidelines are generally applied as a standard across Australia.

On the drafting of the Amendment, Council submitted the updated provisions are streamlined and easier to use, consistent with State government reforms to simplify the planning process. This would offer the benefits summarised in Table 3.

Table 3 Benefits of exhibited changes to erosion management provisions

Provision	Change	Benefit
EMO1 Schedule 2.0 (statement of risk)	Amend the tolerable risk criteria from low to medium for some structures such as houses and sheds.	Consistency with AGS 2007 Landslide Guidelines to provide a clear decision basis. Allows risk threshold requirements to be consistent with importance of structure.
EMO1 Clause 3.0 (permit requirements)	Expand exemptions for minor buildings and works and vegetation removal.	Revise exemptions for minor or essential development for which landslide risks are typically, low or where society benefit clearly outweighs landslide risk.

Provision	Change	Benefit
	Introduction of exemption for development where community benefit outweighs landslide risk or where delaying works could be detrimental to slope stability.	Avoid delaying essential, beneficial work.
EMO1 Clause 4.0 (application requirements)	Developing separate requirements for subdivision applications compared to new buildings and works.	Allows appropriate information to be provided and better inform assessment of applications.
Incorporated Document	Simplification of the EMO1 by relocating technical content intended for use by geotechnical practitioners to an Incorporated Document.	Simplify the EMO1 by removing technical jargon.

Referring to a recent experience of obtaining a planning permit for an underground fire shelter, Submitter 1 stated the Amendment should be redrafted if it does not simplify and expedite the planning approvals process.

(ii) Discussion

Clause 13 (Environmental risks and amenity) provides the strategic foundation for the Amendment. It requires planning to identify, prevent and minimise risks to the environment, human health and amenity. Strategies to protect human health from landslip are provided at Clause 13.04-1, and include:

- identifying areas subject to instability in planning schemes
- preventing inappropriate development in unstable areas.

The Planning Scheme has identified areas susceptible to landslip for many decades through the application of the current EMO. The Amendment proposes to:

- alter the benchmark for 'appropriate' development for certain development types
- refine the overlay schedule to ensure it can be administered effectively.

The Panel notes:

- Council's proposed benchmark for appropriate development (that is tolerate risk) is informed by an industry standard that is recommended by experts
- this benchmark is referenced in the Colac Otway Planning Scheme.

Unlike other risk based overlays in the Victoria Planning Provisions, development decisions under the EMO do not benefit from the input of an expert central agency, as is the case for bushfire (relevant fire authority), inundation and flooding (relevant floodplain management authority) and salinity (Secretary to the Department of Energy, Environment and Climate Action). The Panel notes the opinion of Mr Paul that local governments rarely have in-house engineering geologists, and decisions are informed by expert information accompanying an application. In this context, it is reasonable for Council to seek to set a benchmark for appropriate development, and to match that benchmark with an industry accepted standard that applies elsewhere in Victoria and Australia. The Panel is satisfied this approach is consistent with the strategic objective of the Planning Scheme to prevent inappropriate development.

The importance of careful drafting of amendments is discussed in *A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022* (Practitioner's Guide). This states:

The efficiency and effectiveness of planning schemes is important to Victoria's economy and liveability. Each year the planning system processes around 55,000 planning permit applications, which represents around \$30 billion of future investment in Victoria.

Drafting is effective when it is clear and can be consistently understood by applicants and administered by decision makers. The Panel is not satisfied the exhibited Amendment will achieve its intended objective for administrative efficiency because drafting does not comply with *Ministerial Direction 1: The Form and Content of Planning Schemes* (Form and Content Direction) and the Practitioner's Guide. This is discussed in detail in Chapters 3 and 4. Notwithstanding, the Panel is satisfied drafting issues can be remedied by the planning authority through future stages of the Amendment process.

Subject to its recommended changes, the Panel is satisfied the Amendment delivers net community benefit and sustainable development as required by Clause 71.02-3.

(iii) Conclusions

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Issues raised in the submissions

3.1 Mapping

(i) The issue

The issue is whether the current EMO should be removed from 3 Johnston Parade and 4 Oberon Avenue, Ferny Creek.

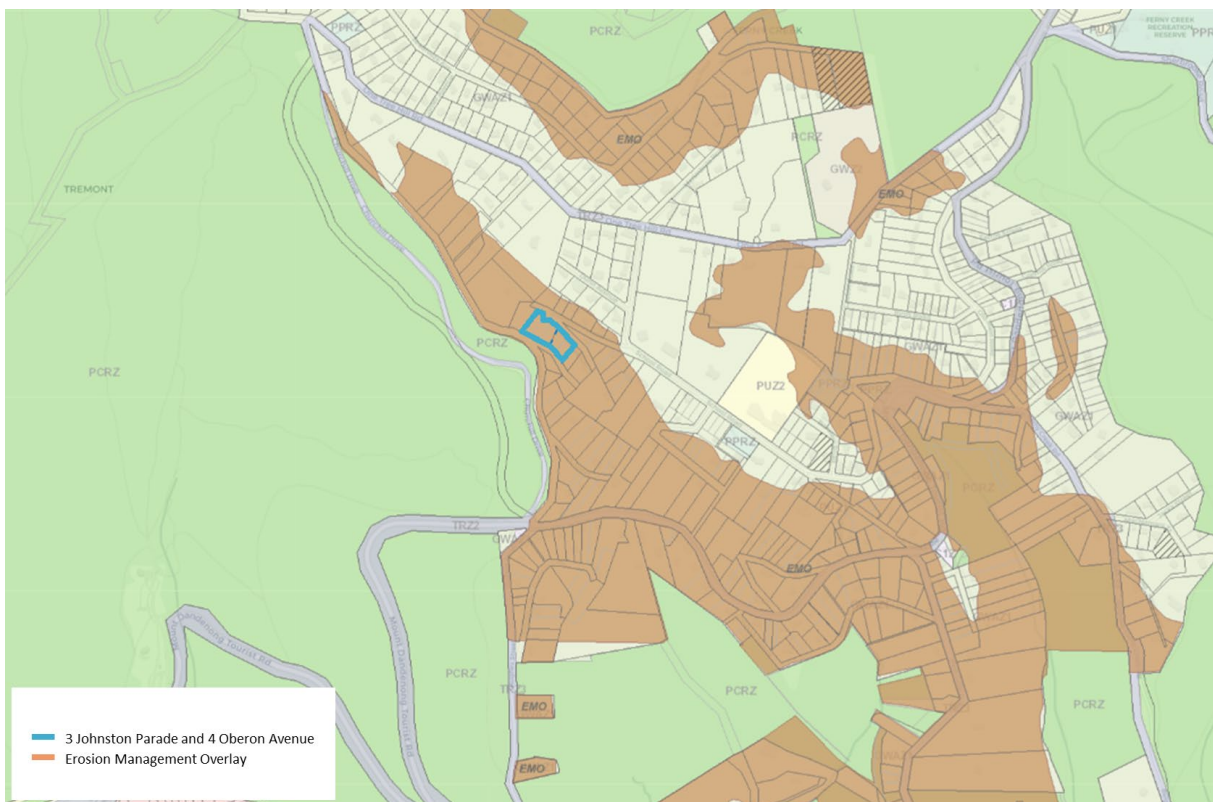
(ii) Background

The properties at 3 Johnston Parade and 4 Oberon Avenue, Ferny Creek are currently included in the EMO as shown in Figure 1. The Amendment does not propose to change the existing mapping, however proposes to modify the mapping reference in the EMO Schedule as follows:

Existing – Shown on the planning scheme map as **EMO** with a number (if shown)

Proposed – Shown on the planning scheme map as **EMO1**.

Figure 1 Location plan 3 Johnston Parade and 4 Oberon Avenue, Ferny Creek



(iii) Evidence and submissions

Submitter 7 requested the current EMO be removed from properties at 3 Johnston Parade and 4 Oberon Avenue because:

- the properties are not subject to erosion or landslip risk
- the soil is stable, as evidenced by the condition of vegetation
- water from local roads runs into private properties and poses risk to land stability
- Council should address drainage rather than pursue the Amendment.

Mr Pauls' evidence was:

- the properties were included in the EMO based on a 1999 geological study which indicated they were susceptible to landslide
- 'susceptibility' does not necessarily mean a landslide is known to have occurred on the site in the past, rather there is potential for a landslide to occur on the site in the future if adverse conditions prevail
- studies undertaken by the Geological Survey of Victoria confirm the site is underlain by a rock type (Ferry Creek Rhyodacite) which is known to be susceptible to landslide where it underlies slopes that are steeper than 30 percent
- there are many examples of landslides having occurred on sites with these attributes in the Ferry Creek and the broader Mount Dandenong areas
- landslides can be triggered by inappropriate earthworks, poor drainage or land clearance
- the purpose of the EMO is to prevent inappropriate development that could lead to a landslide. It is also intended to protect the properties from inappropriate development on adjacent sites
- any changes to the mapping of the EMO would require further investigation and consideration through a future separate planning scheme amendment.

Council noted a review of the current EMO mapping will be undertaken in the future. This review will consider light detection and ranging (LiDAR) information that was not available in 1999 when the current EMO maps were prepared.

(iv) Discussion

The Amendment does not propose to revise the mapping of the overlay. It would be premature to take parcels out of the current EMO without detailed geotechnical investigations. The observations of landowners cannot be relied upon to support a change in mapping.

The Panel notes that numbering the current EMO as 'EMO1' requires a consequential mapping change not exhibited as part of the Amendment. To rectify this drafting error all existing EMO maps require renumbering from 'EMO' to 'EMO1'.

(v) Conclusions

The Panel concludes:

- The Erosion Management Overlay should be retained over properties at 3 Johnston Parade and 4 Oberon Avenue, Ferry Creek.
- Numbering the current Erosion Management Overlay Schedule as Erosion Management Overlay Schedule 1 requires a consequential mapping change.

(vi) Recommendation

The Panel recommends:

Amend the labelling of the Erosion Management Overlay maps from 'EMO' to 'EMO1'.

3.2 Rebuilding damaged or destroyed buildings

(i) The issue

The issue is whether an exemption should be provided to rebuild a damaged or destroyed buildings where there is evidence that land is stable.

(ii) Background

Clause 52.10 (Reconstruction after an emergency) facilitates:

- reconstruction of buildings and works damaged or destroyed because of an emergency
- re-establishment of businesses and services after an emergency
- continued use of land for dwellings after an emergency.

Buildings and works facilitated by Clause 52.10 still need to comply with other requirements of the planning scheme, including the requirements of the EMO. In particular, Clause 63.10 (Damaged or destroyed buildings or works) provides:

If at least 50 percent of the gross floor area of a building or at least 50 percent of the area of any works is damaged or destroyed so that the use cannot continue without the building or works being reconstructed, the land must be used in conformity with this scheme, unless a permit is granted to continue the use, and to construct or carry out buildings or works.

(iii) Evidence and submissions

Submitter 3 stated planning provisions preventing the rebuilding of a damaged or destroyed dwelling may have serious negative financial implications. The submitter suggested the Amendment allow for the rebuilding of a destroyed or damaged dwelling where it can be demonstrated that landslip has not occurred for an extended period (for example over 50 years).

Mr Paul's evidence was:

- the primary intent of the EMO is to prevent inappropriate development such as poor earthworks, land clearance and drainage that could cause future landslides
- in a similar way to inappropriate development, a natural disaster in the Yarra Ranges is likely to change the landslide risk because it involves loss of vegetation (through tree fall or bushfire), loss of retaining structures, or damage or re-direction of drainage
- it is important that after a natural disaster a site and any new development is assessed to check whether the landslide risk has changed
- the current EMO and proposed EMO1 makes provision for this assessment.

Mr Paul also explained the soil mechanics of the Mount Dandenong area. He stated:

An often misunderstood aspect of soil mechanics relates to how slope stability changes over time. In the Mount Dandenong area, there are no natural soil slopes steeper than about 27° as measured from below the horizontal, which provides guidance about the steepest angle the soil can maintain over the long term, meaning over decades to centuries... The maximum long term stable slope angle of 27° is called the 'angle of repose'.

When excavation is undertaken which increases the slope angle above the angle of repose, for example a cutting to accommodate construction of a house, the excavation can potentially hold that steeper angle for decades or even centuries before the cutting eventually collapses back to the angle of repose. The stability of the cutting reduces over time, meaning that in effect the cutting ages, becoming more unstable with time. If there were two identical cuttings in identical soil and one had been there 5 years and the other 50 years, the cutting that had been there for 5 years would be more stable.

It is unfortunate that in the Yarra Ranges there are many earthworks undertaken prior to the implementation of the EMO in 2001 that are too steep and which form ground steeper than the natural angle of repose of the soils. These slopes present an ongoing hazard to homes and lives. It is challenging to rectify these hazards, however given our current knowledge of the geology and landslip processes within Yarra Ranges, inappropriate to ignore them. Some rebuilds in Yarra Ranges will inevitably attract additional costs associated with mitigating pre-existing landslip hazards. It is understood that this requirement places an unexpected burden on home owners who find themselves in a rebuild situation, and is compounded by other improvements that need to be made to comply with modern codes, including upgrading to meet bushfire attack level requirements, upgrading septic disposal to meet current EPA (Environment Protection Authority Victoria) requirements and removing and replacing hazardous materials such as asbestos. However, I consider the value of the reduction in risk to life and property effected by mitigating pre-existing landslide hazards will in the most part be worth the investment made during the rebuild.

Council submitted the Amendment supports Clause 52.10 (Reconstruction after an emergency), the purpose of which is to:

- facilitate the reconstruction of buildings and works damaged or destroyed as a result of an emergency
- facilitate the continued use of land for dwellings after an emergency.

(iv) Discussion

Clauses 52.10 and 63.10 are the State provisions relating to destroyed and damaged buildings. Both require planning permits to be obtained to develop land where an existing building is significantly damaged or destroyed.

The Panel gives significant weight to the opinion of Mr Paul that caution must be applied in a rebuild scenario to ensure risk to life and property is properly assessed against existing site conditions. The Panel agrees with Council that a permit exemption should not apply for rebuilding a destroyed building.

(v) Conclusion

The Panel concludes the Erosion Management Overlay Schedule 1 should not provide an exemption to rebuild damaged or destroyed buildings.

3.3 Permit exemptions for fencing and retaining walls

(i) Issue

The issue is whether the proposed permit exemptions for fencing and retaining walls are clear.

(ii) Background

Clause 3.0 (Permit requirements) of EMO1 provides:

A permit is not required to:

- Construct or carry out works associated with:
 - A masonry fence, if the height of the fence does not exceed one metre and the fence does not alter surface water drainage.
 - A fence of lightweight timber or wire construction, where the fence is permeable or the base of the fence is at least 50 mm above the ground surface and does not obstruct surface water flow.

...

- Construct a retaining wall that:

- Does not exceed 1 metre in height.
- Is not associated with other building construction works.
- Does not provide landslip protection for any adjoining land.
- Is constructed to provide support to existing unsafe earthworks.

(iii) Submissions

Submitter 9 sought clarification on the planning permit exemptions in the EMO1, particularly:

- if aluminium is an appropriate lightweight fencing material that should be specifically listed in the fencing exemptions
- if all four requirements (rather than any of the four) must be met for a retaining wall to be exempt from a planning permit.

In response, Council submitted it would be appropriate to:

- vary the proposed fencing exemption to include reference to aluminium or other lightweight material, where the fence is permeable, or the fence is at least 50 millimetres above the ground surface and does not obstruct surface water flow
- separate the new exemption related to retaining wall works to address existing hazards as the other three existing retaining wall exemptions apply to proposed or new development.

Council proposed the exhibited EMO1 be redrafted as follows:

A permit is not required to:

- Construct or carry out works associated with:
 - A masonry fence, if the height of the fence does not exceed one metre and the fence does not alter surface water drainage.
 - A fence of **lightweight construction (for example timber, wire, aluminium or other lightweight material as approved by the responsible authority) ~~timber or wire construction~~**, where the fence is permeable or the base of the fence is at least 50 mm above the ground surface and does not obstruct surface water flow.

...

- **For new works** ~~C~~construct a retaining wall that:
 - Does not exceed 1 metre in height **and**
 - Is not associated with other building construction works **and**
 - Does not provide landslip protection for any adjoining land.
 - ~~Is constructed to provide support to existing unsafe earthworks.~~
- **Construct a retaining wall or provide slope retention which is specifically intended to provide support to and rectify existing unsafe earthworks.**

Mr Paul's evidence stated the proposed exemption for retaining walls is intended to ease requirements by allowing development without a permit where needed to mitigate or reduce a pre-existing landslip hazard. He explained:

- prior to 1991 there were no planning controls for earthworks
- there is extensive development that does not represent good hillside construction practice and presents an ongoing hazard to life and property
- some earthworks have been undertaken without a permit since the introduction of planning controls
- Figure 2 (below, taken from his evidence) provides an example of earthworks undertaken prior to the introduction of the current EMO which have now resulted in an unsafe situation for the property owners
- the intent and justification for this exemption is to reduce landslip risk by encouraging remediation of existing hazardous earthworks

- new earthworks would still require a planning permit
- any retaining wall higher than 1 metre that benefits from this exemption would still require a building permit, including structural engineering design.

In response to questions from the Panel, Mr Paul advised rectifying a pre-existing landslip hazard was unlikely to have downstream consequences because the site cutting would already be in place. Additional earthworks or vegetation removal would still be subject to a permit.

Figure 2 Landslip at Mount Evelyn on 5 October 2023



Source: Document 3

(iv) Discussion

Allowing the development of lightweight fencing that is permeable at ground level without a planning permit is consistent with the advice in the Golder Review. This states:

Fences generally do not change landslide risk unless:

- They are impermeable at ground surface and could cause disruption or redirection and concentration of surface water flow.
- They are heavy, for example masonry that could present a risk to life if they constructed on unstable ground and were to topple.

There is a basis to exempt permeable, lightweight fences. Freestanding masonry walls higher than 1 m and fences impermeable at ground level should not be exempt.

The Panel accepts the evidence of Mr Paul that the construction of lightweight fencing will not increase landscape risk or the risk to human life. The Panel is satisfied the proposed exemption should be broadened to accommodate aluminium fencing. The Panel does not support use of the term 'other lightweight fencing' because it lacks the specificity required for a permit exemption.

The Panel accepts Mr Paul's evidence that allowing the development of a retaining wall designed to mitigate or reduce a pre-existing landslip hazard will encourage remediation of existing hazardous earthworks. However, the Panel is not satisfied the drafting of the exemption is sufficiently clear to enable its consistent application. In particular, the exemption requires a decision maker to form an opinion about the meaning or extent of the term 'unsafe earthworks'.

If the intent is to allow the repair of damaged structures as shown in Figure 2, it is likely this could be achieved under general exemptions for repair and routine maintenance under Clause 62.02-2, negating the need for a specific exemption.

Chapter 4 contains further commentary on the drafting of permit exemptions for fencing having regard to guidance in the Practitioner's Guide.

(v) Conclusions

The Panel concludes:

- The proposed permit exemption for aluminium fencing is appropriate.
- The proposed permit exemption for retaining walls designed to remediate existing 'unsafe earthworks' does not provide statutory certainty.

(vi) Recommendation

The Panel recommends:

Amend the Erosion Management Overlay Schedule 1, Clause 3.0 to:

- a) exempt timber, wire and aluminium fencing**
- b) delete the exemption for retaining walls constructed to provide support to existing unsafe earthworks.**

as shown in the Panel preferred version in Appendix D.

3.4 Geotechnical practitioners

(i) Issues

The issues are whether the:

- list of geotechnical practitioners listed in the Incorporated Document should be expanded
- Yarra Ranges landslide inventory should be available to practitioners.

(ii) Background

Section 1 of the Incorporated Document provides:

The documentation described herein is to be prepared by a Geotechnical Practitioner, being an Engineer or Engineering Geologist who has experience in the management of slope stability problems and landslide risk management as a core competence, is degree qualified, and who has current professional status as a:

- Chartered Professional Engineer (CPEng); or
- Registered Professional Engineer (RPEng); or
- Chartered Professional Geologist (CPGeo); or
- Registered Professional Geologist (RPGeo).

(iii) Submissions

Submitter 11 considered the list of geotechnical practitioners listed in the Incorporated Document should be expanded to include Victorian Registered Engineers with suitable experience.

Mr Paul's evidence stated that a Victorian Registered Professional Engineer registered through the Victorian Business Licensing Authority would meet the requirement of the Incorporated Document. To make this clearer, the terminology in the Incorporated Document could be

amended from Registered Professional Engineer (RPEng) to Registered Professional Engineer, Victoria (meaning a person who is registered under Part 2 of the *Victorian Professional Engineers Registration Act 2019*) to clarify that the Victorian engineer's registration is an accepted qualification.

Council supported Mr Paul's recommendation.

Mr Paul also confirmed access to the Yarra Ranges landslip inventory is available to geotechnical practitioners. Access can be arranged through Council's Strategic Planning department.

(iv) Discussion

Mr Paul's recommendation changes to the professionals listed in the Incorporated Document improve clarity and warrant support.

The availability of the Yarra Ranges landslide inventory is not directly relevant to the Amendment, however it will support the preparation of technical information needed to fulfil the application requirements of the EMO1. It is appropriate that Council makes this information available to practitioners.

(v) Conclusion

The Panel concludes:

- The list of geotechnical practitioners should be expanded to include 'Registered Professional Engineer, Victoria'.
- The Yarra Ranges landslide inventory should be available to practitioners.

The Panel recommends:

Amend Clause 1.0 of the Incorporated Document 'Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay' to replace 'Registered Professional Engineer (RPEng)' with 'Registered Professional Engineer, Victoria registered under Part 2 of the *Victorian Professional Engineers Registration Act 2019*'.

4 Other drafting issues

The Panel's Directions (Document 1) required Council to respond to questions about the drafting of the Amendment. Chapters 4.1 to 4.8 relate to the specific drafting issues raised by the Panel.

4.1 Clause 2.0 Statement of risk

(i) Background

The exhibited provision provides:

Areas subject to landslip across the Yarra Ranges include the hillsides along the Yarra River valley, the mountains of the Dandenong Ranges and agricultural areas of Silvan, Monbulk and Seville.

The occurrence of landslips within the Yarra Ranges has historically caused damage to property and the environment and presents an ongoing risk to human life. Geotechnical studies have documented historical landslip occurrences and seek to identify areas susceptible to future landslide occurrence.

The control of environmental factors and development relating to vegetation cover, drainage, rock, earthworks, soil disturbance and effluent and stormwater disposal are all important in managing the risk of landslip.

Risk from landslip needs to achieve a Tolerable Risk level to be considered suitable for new development.

Tolerable Risk is a risk within a range that society can live with so as to secure certain net benefits. It is a range of risk that is regarded as non-negligible and requires ongoing review and reduction if possible. The maximum tolerable risk is defined as:

- For loss of life for the person(s) most at risk, it is taken as having a probability of no greater than 10^{-5} (1 in 100,000) per annum calculated in accordance with the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007.
- For property loss it is assessed qualitatively using the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007, specifically Appendix C to that document. and the tolerable risk level is selected depending on the new development type in accordance with Table 1.

The Panel asked Council to confirm the rationale for including the 'tolerable risk' policy statement under the Statement of Risk.

(ii) Evidence and submissions

Council submitted it would not support the use of a local policy to replicate the function of dot points 1 and 2. Council noted:

- this approach would be contrary to the Practitioners Guide which states that in most instances, specific (often numerical) requirements can be included in a schedule to a zone or overlay
- other approved EMO Schedules follow the same drafting approach, including EMO1 in the Colac Otway Planning Scheme.

(iii) Discussion

There is no definitive drafting guidance in the Practitioners Guide for preparing a 'Statement of Risk' for the EMO Schedule. The Panel relies on the guidance relevant to a 'Statements of significance' which provides:

Some schedules to overlays require a statement to be inserted. For example, the Environmental Significance Overlay requires 'a statement of environmental significance' and the Vegetation Protection Overlay requires 'a statement of the nature and significance of the vegetation to be protected'.

These statements are intended to summarise the essential elements that define the significance of the overlay area.

Where possible, the statement should be based on study findings that clearly demonstrate the values that make the area special, and show how those values relate to the purposes of the chosen overlay. For example, a landscape study might provide the analysis from which to draw the statement of significance for the schedule to the Significant Landscape Overlay.

(Panel underline)

Council's proposed drafting of Clause 2.0 is much more than a Statement of Risk. It contains elements of a 'requirement' or a 'policy guideline' as defined in the Practitioners Guide as follows:

Requirement

Specifies the limits of a discretion or right under a provision or the conditions under which it must be exercised.

Policy guidelines indicate how an objective can be met and how a strategy can be implemented. A responsible authority must take a relevant policy guideline into account when it makes a decision, but is not required to give effect to it. If the responsible authority is satisfied that an alternative approach meets the policy objective, the alternative may be considered.

The exhibited drafting "*Risk from landslip needs to achieve a Tolerable Risk level to be considered suitable for new development*" seeks to set a limit on the discretion that might be exercised by a decision maker. This is beyond the operational scope of the EMO, and inconsistent with the Form and Content Direction which makes no provision to include 'requirements' or 'policy guidelines' in the schedule.

The alternative approach is to draft the policy elements of Clause 2.0 as a local policy following Clause 13.04-2S (Erosion and landslip). Contrary to Council's submission, this approach is consistent with the Practitioner's Guide. Policy guideline are the appropriate location for 'numeric' guidelines where there is no allowance for them within a zone or overlay schedule.

(iv) Conclusion

The Panel concludes that Clause 2.0 of the Erosion Management Overlay Schedule 1 contains policy guidelines that should be redrafted as a local policy following Clause 13.04-2S (Erosion and landslip).

(v) Recommendations

The Panel recommends:

Amend Erosion Management Overlay Schedule 1, Clause 2.0 to delete policy guidance content as shown in the Panel preferred version in Appendix D.

Insert a new local policy for under Clause 13.04-2S (Erosion and landslip) as shown in the Panel preferred version in Appendix E.

4.2 Water holding structures

(i) Background

The exhibited provisions provide:

A permit is not required to construct or carry out works associated with:

- A pond or open, impervious water holding structure with a capacity of less than 5,000 litres.
- Landscaping water features provided it does not entail ponding of more than 500 litres.
- A domestic rainwater tank with capacity of not more than 4,500 litres provided it is constructed at ground level or above.
- A spa and associated mechanical and safety equipment if the spa has a capacity not exceeding 5,000 litres and is constructed at or above ground level.

The Panel asked Council to confirm the provisions for water holding structures could be consolidated.

(ii) Evidence and submissions

Mr Paul explained water retaining developments fall into two categories. The first category relates to impervious structures specifically designed and manufactured or constructed to an Australian Standard or with suitably qualified engineering input and supervision. The second category relates to pervious structures. Mr Paul noted:

- a spa, rainwater tank or other engineer designed impervious water holding structure would typically be designed in accordance with the requirements of an Australian Standard
- the likelihood of a leak developing and causing concentrated wetting of the ground and therefore elevated landslip risk is lower compared to a non-engineered water retaining element, for example a garden pond
- it is reasonable to accept a higher water holding capacity for exemption where a water holding structure is designed for that specific purpose to the requirements of an Australian Standard or by a suitably qualified engineer.

Mr Paul advised the four exemptions could be consolidated into two, as follows:

- impervious water holding structures manufactured to an Australian Standard such as domestic rainwater tanks and spas or other engineer designed impervious water holding structures such as ponds with a capacity not exceeding 5,000 litres
- landscaping water features or other non-engineer designed or manufactured water retaining structure provided it does not entail ponding of more than 500 litres.

Council supported Mr Paul's recommendation to consolidate the exemptions.

(iii) Discussion

The EMO Schedule must be drafted in accordance with the Form and Content Direction and within the authority provided by the EMO parent provision.

For 'Buildings and works' the EMO provides:

A permit is required to construct a building or construct or carry out works, including:

- Roadworks (other than roadworks constructed or carried out by or on behalf of the Head Transport for Victoria),
- Buildings and works associated with a dependent person's unit.

- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.

Any other matter specified in Clause 62.02-2 if specified in a schedule to this overlay.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

In order to ‘switch on’ a permit requirement for any matter listed in Clause 62.02-2 (with the exception of roadworks, a dependent person’s unit or domestic swimming pool or spa), a specific requirement must be ‘scheduled in’ (included in) the EMO Schedule. Scheduling in a permit requirement is explained in the Practitioner’s Guide as follows:

Some schedules create an additional permit requirement, where there was none before. This is sometimes referred to as ‘scheduling in’. Such a requirement can add to the permit requirements of the other provisions applying to the land. It can also remove all or part of the exemptions from a permit for minor works set out in Clause 62.02-2. This ability is particularly relevant to environmental management overlays. If land has a particular character or significance that justifies the application of the overlay and is reflected in its objectives, then buildings or works that may not meet the overlay objectives should always require a permit.

The Panel accepts Mr Paul’s advice that the exemptions for water holding structures largely fit into two risk categories based on the whether they have been engineered to an Australian Standard. The Panel does not support Mr Paul’s proposed drafting “*manufactured to an Australian Standard*” unless a specific Australian Standard can be specified in the exemption.

The Panel supports equalising the allowable capacity of exempt water holding structures to 5,000 litres given each will have an equivalent risk profile.

Table 4 provides the Panel’s recommended drafting of exemptions for water holding structure, having regard to:

- the Form and Content Direction
- the permit requirements in the EMO parent provision
- the exemptions provided in Clause 62.02-2.

Table 4 Exemptions for water holding structures

Proposed EMO1 exemption	Clause 62.02-2 exemption	Panel recommended drafting
A pond or open, impervious water holding structure with a capacity of less than 5,000 litres.	No equivalent.	Exempt: A permit is not required for the construction or carryout of works for:
Landscaping water features provided it does not entail ponding of more than 500 litres.	No equivalent.	<ul style="list-style-type: none"> • A pond or open, impervious water holding structure with a capacity of 5,000 litres or less • A landscaping water feature with a capacity of 500 litres or less
A domestic rainwater tank with capacity of not more than 4,500 litres provided it is constructed at ground level or above.	A rainwater tank with a capacity of not more than 10,000 litres.	Insert in Schedule: A permit is required to construct a rainwater tank unless its capacity is 5,000 litres or less and it is constructed at or above

Proposed EMO1 exemption	Clause 62.02-2 exemption	Panel recommended drafting
A spa and associated mechanical and safety equipment if the spa has a capacity not exceeding 5,000 litres and is constructed at or above ground level.	A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.	ground level. Insert in Schedule: A permit is required to construct a domestic swimming pool or spa associated mechanical and safety equipment unless its capacity is 5,000 litres or less and it is constructed at or above ground level.

(iv) Conclusion

The Panel concludes that the proposed permit exemptions for water holding structures are generally appropriate, subject to changes to:

- schedule in permit requirements that are otherwise exempt under Clause 62.02-2
- standardise the capacity of water holding structures not requiring a permit to 5,000 litres
- only require construction if a specific Australian Standard is applicable and can be referenced.

(v) Recommendation

The Panel recommends:

Amend the Erosion Management Overlay Schedule 1, Clause 3.0 to:

- insert permit requirements for a rainwater tank and domestic swimming pool or spa**
- standardise the capacity of water holding structures not requiring a permit to 5,000 litres**

as shown in the Panel preferred version shown in Appendix D.

4.3 Masonry fences

(i) Background

The exhibited provision provides:

A permit is not required to:

- Construct or carry out works associated with:
 - A masonry fence, if the height of the fence does not exceed one metre and the fence does not alter surface water drainage.

The Panel asked Council to provide an example of a masonry fence that does not alter surface water drainage.

(ii) Evidence and submissions

Mr Paul explained:

- masonry fences comprised predominantly of brick or stone can present a landslide hazard because they disrupt and then concentrate surface water flow
- high masonry fences also present a risk to life and property if they were to topple
- masonry fences higher than 1 metre warrant geotechnical assessment

- fences providing sufficient gap through the masonry elements of the fence will not cause significant disruption to surface water flow and are therefore unlikely to alter landslide risk and could be exempted
- examples of masonry fences that allow surface water to drain through include dry stone walls, gabion walls, latticed masonry and masonry composite fences (Figure 3).

Mr Paul did not recommend any changes to the exhibited provision. Council supported Mr Paul’s position.

Figure 3 Mr Paul’s masonry fence examples



Source: Document 3

(iii) Discussion

The Panel accepts Mr Paul’s evidence that low masonry fences with openings to allow natural surface water flow should be exempt from requiring a permit.

The drafting of the exhibited provision requires review to make it explicit that the exemption applies to open, rather than solid, masonry fences. As with water holding structures, Clause 62.02-2 exempts a fence from requiring a permit, unless a specific requirement applies. The proposed exemption requires redrafting to schedule in a permit requirement for a fence.

(iv) Conclusion

The Panel concludes that the proposed permit exemption for masonry fences is generally appropriate, subject to changes to:

- schedule in a permit requirement for fencing

- make clear that the exemption only applies masonry fences that allow the passage of surface water.

(v) Recommendation

The Panel recommends:

Amend the Erosion Management Overlay Schedule 1, Clause 3.0 to:

- a) include a permit requirement for a fence
- b) exempt open masonry fencing from requiring a planning permit as shown in the Panel preferred version shown in Appendix D.

4.4 Vegetation removal

(i) Background

The exhibited provision provides:

A permit is not required to:

- Remove, destroy or lop vegetation, either separately or as part of building works if any of the following apply:
 - The trunk circumference measured at a height of 1.3 metres above ground level is less than 0.16 metres (Equivalent to a circumference of less than 0.5 metres at breast height) and the natural ground surface is reinstated.
 - The vegetation is within 2 m of a building.
 - The vegetation is dead and the natural ground surface is reinstated.
 - The lopping is for pruning to improve a tree's health or structural stability in accordance with normal horticultural practice for the species involved.

The Panel asked Council to explain the rationale for the permit exemption for vegetation removal.

(ii) Evidence and submissions

Mr Paul stated vegetation reduces landslide risk by:

- promoting surface water runoff, thereby reducing the potential for water concentration and infiltration into the ground
- removes water from the soil, noting that landslips in the Yarra Ranges are in most cases caused by a build-up of water pressure or saturation of the soil in areas that are susceptible to landslip due to geology and slope
- binding the soil through the root system.

Mr Paul said it is difficult to determine the extent or size of vegetation removal that induces a hazardous level of increased landslide risk, because this is based on the vegetation species and the specific attributes of the site.

Mr Paul noted the exhibited exemption contained an error, and the “0.16 metre circumference” should read “0.16 metre diameter”. This exemption, once corrected, is similar to the current EMO which exempts removal of vegetation with a trunk circumference of 0.5 metres at 1 metre above the ground from requiring a permit. This also aligns with the exemption in Significant Landscape Overlay Schedule 22, which is the ‘least onerous’ of the schedules to the Environmental Significance Overlay and Significant Landscape Overlay.

Mr Paul considered increasing the trunk circumference measurement distance from 1 metre to 1.3 metres above the ground has negligible practical impact, however it simplifies the Planning

Scheme by improving consistency across the exemption in different overlays that largely apply in combination with the current EMO.

Council supported Mr Paul's recommendation.

(iii) Discussion

With Mr Paul's recommended correction, the exemption would provide:

A permit is not required to:

- Remove, destroy or lop vegetation, either separately or as part of building works if any of the following apply:
 - The trunk diameter measured at a height of 1.3 metres above ground level is less than 0.16 metres (Equivalent to a circumference of less than 0.5 metres at breast height) and the natural ground surface is reinstated.

In order to measure the trunk diameter of a tree, an everyday landowner would either need to:

- access specialised measuring equipment
- perform a mathematical calculation once the circumference of the tree is known.

This is impractical. The drafting requires revision to ensure it can be consistently understood and easily applied by landowners and practitioners alike.

(iv) Conclusion

The Panel concludes that the proposed permit exemption for vegetation removal is generally appropriate, subject to changes to make the exemption clear so that it can be practically applied.

(v) Recommendation

The Panel recommends:

Amend the Erosion Management Overlay Schedule 1, Clause 3.0 to exempt vegetation with a circumference of 0.5 metres measured at 1.3 metres above ground level as shown in the Panel preferred version shown in Appendix D.

4.5 Repair and maintenance

(i) Background

The exhibited provisions provide:

A permit is not required to:

- Construct or carry out repair or maintenance works undertaken by or on behalf of a public authority relating to watercourse management, environmental improvements or infrastructure services.

The Panel asked Council if the provisions duplicate exemptions in Clause 62.02-2.

(ii) Submissions

Council submitted Clause 62.02-2 is *"not the definitive authority if permission is required under the EMO"*.

(iii) Discussion

As discussed in relation to water holding structures (Chapter 4.4), in order to 'switch on' a permit requirement for any matter listed in Clause 62.02-2 (with the exception of roadworks, a dependent person's unit or domestic swimming pool or spa), a specific requirement must be 'scheduled in' the EMO1.

It is unclear to the Panel if Council seeks to schedule in all repair and routine maintenance activities, except for those conducted by public authorities. Council and Mr Paul did not provide evidence or submissions that risk of landslip would be increased by undertaking repair and routine maintenance activities for existing buildings and works.

In any event, the Panel notes Clause 62.02-1 exempts extensive activities by municipalities and public authorities, which cannot be scheduled in by way of a local provision. This includes:

Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.

Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.

Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.

(iv) Conclusions

The Panel concludes:

- Repair and routine maintenance have not been demonstrated to increase the risk of landslip.
- Permit exemptions for repair and routine maintenance provided by Clause 62.02-2 should remain without local variation.

(v) Recommendation

The Panel recommends:

Amend the Erosion Management Overlay Schedule 1, Clause 3.0 to delete the exemption for repair and routine maintenance as shown in the Panel preferred version shown in Appendix D.

4.6 Geotechnical and landslide risk assessment**(i) Background**

The exhibited provision provides:

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building or construct or carry out works, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed new development, including as appropriate a site plan, land contours, building elevations, access, cut and fill, retaining walls and effluent disposal system.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks and water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage

- pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
- For an application to subdivide land, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed subdivision layout and land contours.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks or water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
- A geotechnical assessment, landslide hazard assessment or landslide risk assessment as required by and prepared in accordance with the Incorporated Document titled 'Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO), March 2023' and to the satisfaction of the responsible authority.

The Panel asked if the application requirement for a geotechnical assessment should be redrafted to make clear if it applies to buildings and works or subdivision (or both) without referring to the proposed Incorporated Document.

(ii) Evidence and submissions

Mr Paul explained the intention of this clause is that any geotechnical report, whether it be for new buildings and works or subdivision, should be prepared in accordance with the guidance set out in the Incorporated Document. To avoid doubt, the application requirement could be altered to:

A Landslide Hazard Assessment (for subdivision), Geotechnical Assessment or Landslide Risk Assessment (for new buildings and works) as required by and prepared in accordance with the Incorporated Document titled 'Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO), March 2023' and to the satisfaction of the responsible authority.

Council supported Mr Paul's recommendation.

(iii) Discussion

The Panel accepts Mr Paul's evidence that the application requirements can be drafted to make their intent more transparent.

The Panel's prefers that application requirements for a specific development type (buildings and works, and subdivision) are consolidated into a logical list so they can be easily understood by landowners and practitioners.

(iv) Conclusions

The Panel concludes that the proposed application requirements are generally appropriate, subject to changes to:

- Make clear which application requirements apply to buildings and works and subdivision.
- Consolidate application requirements for specific development types.

(v) Recommendation

The Panel recommends:

Amend the Erosion Management Overlay Schedule 1, Clause 4.0 to consolidate application requirements for specific types of application as shown in the Panel preferred version shown in Appendix D.

4.7 Waiver of application requirements**(i) Background**

The exhibited provisions provide:

Where, in the opinion of the responsible authority, the application for a subdivision or development will not adversely increase the landslip risk to life or property affecting the subject lot(s) or adjoining or nearby land, a written geotechnical assessment, landslip hazard assessment or landslip risk assessment (as appropriate) is not required.

The Panel asked Council to provide an example of an application where a waiver of the application requirements would be warranted.

(ii) Evidence and submissions

Mr Paul explained landslip risk can be increased by development that makes a landslip more likely to occur (for example, earthworks) or development that increases the consequences should a landslip occur (for example, new habitable space in a landslip prone area). He stated:

The list of exemptions seeks to nominate development that will not significantly increase the landslip risk. However, experience has shown that whilst the list of exemptions in the schedule captures most proposed development that will not significantly increase landslip risk, some form of development is occasionally proposed which warrants an exemption but is not otherwise listed in the schedule. These are rare development types and could be development types that are not prevalent today, but may be in the future. Examples might include a flagpole, a memorial or historical marker or some elements of utility supplies.

Council concurred with Mr Paul's advice.

(iii) Discussion

Various zones and overlays in the Victoria Planning Provisions contain a general waiver for application requirements. These are commonly expressed as:

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

The Panel prefers the generic Victorian Planning Provisions wording for the proposed waiver provision to maintain consistently across the Planning Scheme.

Given the EMO manages a potential risk to life and property, it is unlikely that the application requirements would be waived very often. The Panel notes that of Mr Paul's three development examples that might warrant a waiver of the application requirements:

- a flagpole benefits from the permit exemption under Clause 62.02-2 and a permit requirement is not proposed to be scheduled in EMO1
- buildings and works associated with a minor utility installation benefit from the permit exemption under Clause 62.01-1 and a permit requirement cannot be scheduled in EMO1

- a memorial or historical marker may fall within the definition of a sign or art work, each which benefit from permit exemptions in Clause 62.02-2.

(iv) Conclusion

The Panel concludes that the proposed application requirement waiver is generally appropriate, subject to replacing the exhibited text with the standard waiver used in the Victoria Planning Provisions.

(v) Recommendation

The Panel recommends:

Amend the Erosion Management Overlay Schedule 1, Clause 4.0 to revise the application requirement waiver as shown in the Panel preferred version shown in Appendix D.

4.8 Availability of documents

(i) Background

The application requirements of EMO1 Clause 4.0 require risk assessments to be prepared in accordance with the proposed Incorporated Document. In turn, the Incorporated Document requires:

- a Landslide Risk Assessment (for buildings and works) to be prepared in accordance with the methodology set out in the AGS 2007 Landslide Guidelines
- a Landslide Hazard Assessment (for subdivision) to be prepared in accordance with the Australian Geomechanics Society Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning 2007.

These documents, and associated commentaries, are listed as reference documents in the Incorporated Document as follows:

Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.

Commentary on Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.

Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.

Commentary on Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.

The Panel asked Council to confirm if the reference documents:

- are publicly available
- should be listed as Incorporated Documents or Background Documents.

(ii) Evidence and submissions

Council submitted:

- the reference documents are publicly available on the Australian Geomechanics Society website at www.australiangeomechanics.org
- the reference documents set out a method for undertaking risk assessments
- this is similar to Australian Standards which are generally not listed as Incorporated or Background Documents in planning schemes

- the documents have not been incorporated into the Colac Otway Planning Scheme which contains similar provisions
- consistency should prevail in this matter.

(iii) Discussion

The Practitioner's Guide states:

Where possible, avoid incorporating documents. This keeps the scheme self-contained and makes it easier to use. It is always preferable to extract the specific planning requirements from a document and state them directly in the scheme.

The decision to incorporate a document should only be considered when there is no suitable alternative in the scheme to achieve the required outcome. For example, a document should not be incorporated to specify requirements where an existing provision of the scheme enables requirements to be specified.

A document should be incorporated if the document is:

- Essential to the administration or enforcement of the planning scheme, that is, without the document the scheme cannot be properly understood.
- ...

In this instance the application requirements of EMO1 require risk assessments to be prepared in accordance with reference documents listed in the Incorporated Document. The application requirements cannot be properly understood without the reference documents. The reference documents are therefore examples of external documents that are essential to the administration of the Planning Scheme. On this basis, they should be incorporated into the Planning Scheme.

(iv) Conclusion

The Panel concludes the documents referred to the Incorporated Document that provide essential information for the administration of the Planning Scheme should be incorporated at Clause 72.02 Schedule (Documents Incorporated in this Planning Scheme).

(v) Recommendation

The Panel recommends:

Amend the Clause 72.02 Schedule (Documents Incorporated in this Planning Scheme) to include:

- Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Volume 42: No 1, March 2007**
- Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Volume 42: No 1, March 2007.**

Appendix A Document list

No.	Date	Description	Provided by
1	27 Sep 23	Panel Directions and Timetable (version 1)	Planning Panels Victoria (PPV)
2	20 Oct 23	Council Part A submission with attachments 1. WSP basis for Amendment Report May 2023 2. C217yran Explanatory Report 3. C217yran Instruction Sheet 4. C217yran Strategic Assessment Guidelines Checklist 5. Existing Erosion Management Overlay Schedule 6. C217yran Exhibited Clauses 7. C217yran Incorporated Document 8. Post exhibition changes Erosion Management Overlay 9. Post exhibition changes Incorporated Document 10.1 Report to Council 9 May 2023 10.1.1 Council Minutes 9 May 2023 10.2 Report to Council 12 September 2023 10.2.1 Council Minutes 12 September 2023	Council
3	20 Oct 23	Evidence Statement, Darren Paul WSP	Council
4	23 Oct 23	1. Joyce v Yarra Ranges SC [2017] VCAT 1250 (14 August 2017) 2. MAP Building Consultant Services v Yarra Ranges SC [2011] VCAT 2122 (8 November 2011) 3. Harvey v Yarra Ranges CC [2011] VCAT 1600 (19 August 2011) 4. Key v Yarra Ranges SC [2009] VCAT 937 (25 May 2009) 5. Ewen v Yarra Ranges SC [2023] VCAT 1017 (31 August 2023)	Council

Appendix B Exhibited changes to Erosion Management Overlay Schedule 1

Development type	Existing exemption	Proposed exemption
Earthworks	Cut and fill less than 0.6 metres in height or depth and no change is made to constructed drainage or fixed irrigation system.	Modified ground surface is not more than 1 metre above or below ground level and does not allow water ponding.
Vegetation removal	<ul style="list-style-type: none"> Trunk circumference less than 0.5 metres at 1 metre above the ground; or within 2 metres of a building; or dead and the roots below the ground are retained. 	<p>Remove, destroy or lop the following vegetation:</p> <ul style="list-style-type: none"> The trunk circumference measured at a height of 1.3 metres above ground level at less than 0.16 metres and the natural ground surface is reinstated. The vegetation is within 2 m of a building. The vegetation is dead and the natural ground surface is reinstated. The lopping is for pruning to improve a tree's health or structural stability in accordance with normal horticultural practice for the species involved.
	To improve health of vegetation.	As above.
Fencing	<ul style="list-style-type: none"> Post and wire; or Palings, supported by post and rails where the fence is at least 0.075metres above the ground. 	<ul style="list-style-type: none"> Masonry fence not more than 1 metre and does not alter surface water drainage. Fence of lightweight timber or wire construction that is permeable or the base is at least 0.05 metres above the ground.
Buildings	<p>Extensions or internal alterations:</p> <ul style="list-style-type: none"> if the land is unsewered, approval to alter or install a wastewater system has been granted; and increase in ground surface area covered by roofed buildings is less than 20 square metres; and stormwater drained to a legal point of discharge. <p>Non-habitable structures if:</p> <ul style="list-style-type: none"> lightweight and flexible materials (not brick or concrete blocks); and ground surface area 40 square metres or less; and stormwater drained to a legal point of discharge. 	<p>Extend a building or carry out works if:</p> <ul style="list-style-type: none"> gross ground floor area not increased by more than 20 square metres; and stormwater drained to a legal point of discharge; and there are no existing earthworks higher than 1 metre within 5 metres of the extension. <p>Add:</p> <ul style="list-style-type: none"> there are no existing earthworks higher than 1 metre within 5 metres of the extension.

Development type	Existing exemption	Proposed exemption
	Deck <ul style="list-style-type: none"> slope of land within 20 metres of land is 20 percent or less; and ground surf area covered by the deck 20 square metres or less 	Deleted.
	Agricultural buildings, if: <ul style="list-style-type: none"> lightweight and flexible materials (not brick or concrete blocks); and ground surface area 40 square metres or less; and slope of land within 20 metres of land is 20 percent or less; and stormwater drained to a legal point of discharge. 	Agricultural buildings, if: <ul style="list-style-type: none"> lightweight and flexible materials (not brick or concrete blocks); and no more than two such buildings on the property stormwater drained to a legal point of discharge.
	Rainwater tank of not more than 4,500 litres and constructed at ground level.	No change.
	Temporary building used for storage of construction equipment not exceeding 10 square metres.	Increased to 20 square metres.
	Retaining wall <ul style="list-style-type: none"> not more than 1 metre not associated with other building construction work does not provide landslip protection of adjoining land. 	Add: <ul style="list-style-type: none"> Provides support to existing unsafe earthworks.
	Landscaping <ul style="list-style-type: none"> water feature of not more than 500 litres. 	No change
	Not included.	Pond of open, impervious water holding structure with capacity of less than 5,000 litres
	Not included.	Spa and associated mechanical and safety equipment not exceeding 5,000 litres constructed at or above ground.
	Not included.	Repair or maintenance works undertaken by or on behalf of a public authority relating to watercourse management, environmental improvements or infrastructure services.

Appendix C Planning context

C:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in Section 4 of the PE Act by applying appropriate planning controls to areas which are at risk of landslip to protect life and property.

Clause 2 (Municipal Planning Strategy)

The Amendment is consistent within Clause 02.03-3 (Environmental risks and amenity) by facilitating appropriate development within areas of landslip risk to minimise the potential risk to life and property.

Clause 13 (Environmental risks and amenity)

The Amendment is consistent with the objective of Clause 13.04-2S which is to “*protect areas prone to erosion, landslip or other land degradation processes.*”

C:2 Other relevant planning strategies and policies

i) Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

The *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan* applies to all land within the Shire of Yarra Ranges. The Amendment is consistent with Section 3.07 (Policies for development in Township Policy Areas) of this plan, which states areas subject to development constraints (such as landslip) must be protected from inappropriate residential and urban development.

C:3 Planning scheme provisions

i) Erosion Management Overlay

The purposes of the EMO are:

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.

ii) Other provisions

Relevant particular provisions include:

- 52.10 Reconstruction after an emergency
- 63.10 Damaged or destroyed buildings or works.

C:4 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions and Planning Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Planning authorities must comply with the Form and Content Direction, issued under Section 7(5) of the *Planning and Environment Act 1987*. The direction applies to planning scheme layout and mandatory information in a planning scheme. It applies also to amendments to planning schemes and should be read together with the Victoria Planning Provisions.

Practitioner's Guide

The Practitioner's Guide sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the *Planning and Environment Act 1987* and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victorian Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix D Panel preferred version of the Erosion Management Overlay Schedule 1

SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO1**.

1.0 Erosion management objectives to be achieved

To ensure that development can be undertaken at a tolerable risk to human life and property from landslip.

2.0 Statement of risk

Areas subject to landslip across the Yarra Ranges include the hillsides along the Yarra River valley, the mountains of the Dandenong Ranges and agricultural areas of Silvan, Monbulk and Seville.

The occurrence of landslips within the Yarra Ranges has historically caused damage to property and the environment and presents an ongoing risk to human life. Geotechnical studies have documented historical landslip occurrences and seek to identify areas susceptible to future landslide occurrence.

The control of environmental factors and development relating to vegetation cover, drainage, rock, earthworks, soil disturbance and effluent and stormwater disposal are all important in managing the risk of landslip.

3.0 Permit requirement

A permit is required to construct or carrying out works for:

- A rainwater tank unless its capacity is 5,000 litres or less and it is constructed at or above ground level.
- A domestic swimming pool or spa associated mechanical and safety equipment unless its capacity is 5,000 litres or less and it is constructed at or above ground level.
- A fence, unless it is one of the following:
 - A masonry fence of 1 metre or less with openings to maintain natural surface water flow.
 - A timber, wire, aluminium fence with openings to maintain natural surface water flow or the base of the fence is at least 50 millimetres above ground level.
- A temporary shed or temporary structure for construction purposes unless the floor area is 20 square metres or less.

A permit is not required to construct or carry out works for:

- A pond or open, impervious water holding structure with a capacity of 5,000 litres or less.
- A landscaping water features with a capacity of 500 litres or less.
- An alteration or extension to an existing building provided all of the following are met:
 - the floor area of the alteration or extension is not more than 20 square metres
 - the alteration is connected to a legal point of discharge
 - there are no existing earthworks higher than 1 metre within 5 metres of the alternation or addition
- An outbuilding ancillary to a dwelling provided all of the following are met:
 - the building is not used for accommodation
 - the building is constructed with aluminium, steel or timber

- the total area of outbuildings on the lot is 40 square metres or less
- the building is connected to a legal point of discharge
- there are no existing earthworks higher than 1 metre within 5 metres of the building.
- A building used for agriculture, provided all of the following are met
 - the building is constructed with aluminium, steel or timber
 - there are no more than two agricultural buildings on the lot
 - the building is connected to a legal point of discharge
 - there are no existing earthworks higher than 1 metre within 5 metres of the building.
- A retaining wall that is not more than 1 metre above ground level and does not provide landslip protection for any adjoining land.
- Earthworks less than 1 metre above or below the ground level that do not allow water ponding.

A permit is not required to remove, destroy or lop the any of the following vegetation:

- A tree with a trunk circumference of 0.5 metres or less measured above ground level
- Vegetation within 2 metres of a building.
- Dead vegetation where the ground surface is reinstated.
- Lopping necessary to improve the health or structural stability of a tree.

4.0 Application requirements

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building or construct or carry out works:
 - Plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed new development, including as appropriate a site plan, land contours, building elevations, access, cut and fill, retaining walls and effluent disposal system.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks and water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
 - Geotechnical Assessment or Landslide Risk Assessment in accordance with the Incorporated Document ‘Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO), March 2023’.
- For an application to subdivide land:
 - Plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed subdivision layout and land contours.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks or water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.

- Details and location of existing vegetation, including any vegetation to be removed.
- Landside Hazard Assessment in accordance with the Incorporated Document 'Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO), March 2023'.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme must be considered, as appropriate, by the responsible authority:

- The recommendations of the Geotechnical Assessment, Geotechnical Hazard assessment or any Landslide Risk Assessment.
- The need for any ongoing monitoring and maintenance for mitigation measures.

Appendix E Panel preferred version of Clause 13.04-2L

13.04-2L Erosion and landslip

Policy guidelines

Consider as relevant:

- Avoid development that cannot achieve a maximum tolerable risk, where tolerable risk is assessed as:
 - For loss of life for the person(s) most at risk, a probability of no greater than 1 in 100,000 per annum calculated in accordance with the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*.
 - For property loss, assessed qualitatively using the *Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007*, Appendix C, where the tolerable risk level complies with Table 1.

Table 1 Maximum tolerable risk to policy

New development type	Maximum qualitative tolerable risk
<p><i>Panel note – amend development types for consistency with Land Use Terms at Clause 73.03</i></p> <p>Essential facilities, including hospitals, medical and surgery facilities, emergency services facilities, designated emergency shelters and facilities, buildings and facilities containing toxic or explosive materials in sufficient quantity capable of causing hazardous conditions that extend beyond property boundaries.</p>	Low
All other development	Moderate

Response To Panel Recommendations

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
1	Amend the labelling of the Erosion Management Overlay maps from 'EMO' to 'EMO1'.	The Panel notes that numbering the current EMO as 'EMO1' requires a consequential mapping change not exhibited as part of the Amendment. To rectify this drafting error all existing EMO maps require renumbering from 'EMO' to 'EMO1'.	<p>The current EMO maps in the planning scheme are designated EMO. <i>The Practitioners Guide to Victorian Planning Schemes, Version 1.5, DELWP, April 2022</i> advises at Section 6.5.5 that where a provision is able to only have one schedule the schedule is not numbered and where there are multiple schedules they must be given a number.</p> <p>To amend the maps as part of this amendment may create confusion for the community as the amendment was not exhibited with map changes.</p> <p>As it is Council's intention to pursue a future amendment that would seek to update the EMO mapping, it is recommended that the labelling of the Erosion Management Overlay maps from 'EMO' to 'EMO1' be undertaken as part of that amendment.</p>	<p>Not support.</p> <p>Adopt Amendment C217 without changing the map labelling.</p>
2a)	Amend the Erosion Management Overlay Schedule 1 as shown in the Panel preferred version in Appendix D to: Under Clause 2.0, delete policy guidance content.	See response to Recommendation 3 below	See response to Recommendation 3	<p>Not support.</p> <p>See response to recommendation 3.</p>
2b)	Under Clause 3.0: Include a permit requirement for a	The Panel did not support the use of the term 'other lightweight fencing' as it lacks the specificity required for a permit exemption.	Council's Geotechnical consultant has advised that there would be minimal issues with removing the term 'other lightweight fence' from the schedule.	Support.

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
	fence and exempt open masonry fencing and timber, wire and aluminium fencing.		Support the removal of the term other lightweight fences from the EMO schedule	Adopt Amendment C217 in accordance with the Panel recommendation.
2b)	Include a permit requirement for a rainwater tank and domestic swimming pool or spa.	The Panel concluded that the proposed permit exemptions for water holding structures are generally appropriate, subject to changes to scheduling in permit requirements that are otherwise exempt under Clause 62.02-2.	Agree with this change.	Support. Adopt Amendment C217 in accordance with the Panel recommendation.
2b)	Standardise the capacity of water holding structures not requiring a permit to 5,000 litres.	The Panel recommend standardising the capacity of impervious water holding structures not requiring a permit to 5,000 litres to ensure consistency with Australian Standards.	<p>This change is satisfactory if the structure is engineer designed specifically as water holding structures.</p> <p>However, Council's Geotechnical consultant has advised that the risk inherent with the Panel's recommended wording is that someone could build, for example, a small dam and line it with plastic, and refer to this as 'impermeable' and qualify for a permit exemption.</p> <p>As such it is recommended that the exemption include additional wording to specify that the exemption of an "impervious" water holding structure, is one which is specifically engineer designed to hold water.</p> <p>Agree with the Panel that the permit requirements under the Schedule to the EMO can be further adjusted to make this clear and believes the following wording will achieve this:</p>	Support with changes. Adopt Amendment C217 with changes as shown in Attachment 4.

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
			<p><i>A permit is required for all subdivision and new buildings and works except for:</i></p> <p><i>Impervious water holding structures engineer designed or manufactured to an Australian Standard such as domestic rainwater tanks and spas, ponds and rainwater gardens with a capacity not exceeding 5000 litres.</i></p>	
2b)	Delete the permit exemption for retaining walls constructed to provide support to existing unsafe earthworks.	<p>The Panel expressed concern that drafting of the exemption (which allows the development of a retaining wall designed to mitigate or reduce a pre-existing landslip hazard which will encourage remediation of existing hazardous earthworks) is not sufficiently clear to enable its consistent application.</p> <p>The Panel recommends requiring a permit for all retaining walls.</p>	<p>The panel suggest that if the intent is to allow the repair of damaged structures, it is likely this could be achieved under general exemptions for repair and routine maintenance under Clause 62.02-2, negating the need for a specific exemption.</p> <p>Council's Geotechnical consultant has advised that this type of exemption should be retained in the Schedule to the EMO as exhibited, as this is found to provide a useful incentive for the mitigation of unsafe works. Council does not need to specify or define what are unsafe earthworks.</p> <p>However given that there were no permit requirements for earthworks prior to 2001, there is a higher likelihood that these earthworks over time may need to be safely remediated. If an individual wants to improve the stability by retaining it, a planning permit should not be required for this. By specifying that the exemption in this particular case applies to earthworks which were undertaken prior to 2001, this makes the exemption clear.</p> <p>Notwithstanding the above, if the retaining wall is higher than 1 metre, a building permit would still be required.</p> <p>The proposed exemption wording below is proposed to be included in the Schedule, which addresses the Panel's concern regarding clarity on this matter:</p>	<p>Not support.</p> <p>Council adopt Amendment C217 without deleting the exemption for retaining walls constructed to provide support to existing unsafe earthworks.</p>

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
			<i>A retaining wall or slope retention to support existing earthworks provided the earthworks were undertaken prior to 2001.</i>	
2b)	Vegetation removal	The Panel concluded that the proposed permit exemption for vegetation removal is generally appropriate, subject to changes to make the exemption clear so that it can be practically applied.	Agree with the Panel's recommendation as there was a drafting error in exhibited EMO schedule.	Support. Adopt Amendment C217 in accordance with the Panel recommendation.
2b)	Repair and routine maintenance	The Panel concluded that repair and routine maintenance have not been demonstrated to increase the risk of landslip. The Panel recommended that permit exemptions for repair and routine maintenance provided by Clause 62.02-2 Buildings and Works exemptions should remain without local variation.	Agree with repairs and routine maintenance being removed from the EMO Schedule as these types of works are already exempted under Clause 62.02-2.	Support. Adopt Amendment C217 in accordance with the Panel recommendation.
2c)	Consolidate application requirements for specific types of applications	The Panel recommended amending the Erosion Management Overlay Schedule, Clause 4.0 to consolidate application requirements for specific types of applications. The Panel prefers that the application requirements for specific development types (buildings and works, and subdivision) are consolidated into	The changes proposed by the Panel are generally supported with a proposed change to the application requirement for a geotechnical assessment that has been redrafted to make it clear if it applies to buildings and works or subdivision (or both) without referring to the proposed Incorporated Document. The proposed wording is set out in Attachment 4.	Support with changes. Adopt Amendment C217 with changes to further clarify the application requirements.

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
		a logical list so they can be easily understood by landowners and practitioners.		
2c)	Revise the application requirement waiver	The Panel recommended that the proposed application requirement waiver is generally appropriate, subject to replacing the exhibited text with the standard waiver used in the Victoria Planning Provisions to ensure consistency across the Planning Scheme.	As the EMO manages a potential risk to life and property, it is unlikely that the application requirements would be waived very often however the Panel prefers the use of the generic Victoria Planning Provisions wording for the proposed waiver provision to maintain consistency across the Planning Scheme. This is accepted with some minor changes. The proposed wording is set out in Attachment 4.	Support with changes. Adopt Amendment C217 with minor changes.
3	<p>Insert a new local policy in Clause 13.04-2S (Erosion and landslip) as shown in the Panel preferred version in Appendix E.</p> <p>Amend the Table 1 Maximum tolerable risk to policy to make development types consistent with the Land use terms at Clause 73.03</p>	<p>The Panel commented that Council's proposed drafting of Clause 2.0 is much more than a Statement of Risk. It contains elements of a 'requirement' or a 'policy guideline'.</p> <p>The exhibited drafting "Risk from landslip needs to achieve a Tolerable Risk level to be considered suitable for new development" and seeks to set a limit on the discretion that might be exercised by a decision maker.</p> <p>The Panel considered that this is beyond the operational scope of the EMO, and inconsistent with the Ministerial Direction on the Form and Content of Planning Schemes which makes no provision to</p>	<p>The <i>Practitioners Guide to Victorian Planning Schemes, Version 1.5, DELWP, April 2022</i> sets out in Section 4.2 and Section 6.4.2 the rules for writing local policies, and specifically in relation to policy guidelines (page 84):</p> <p><i>Operationally, planning policy must be flexible to allow alternative solutions. In most instances specific and (often numerical requirements) can be included in a schedule to a zone or overlay.</i></p> <p><i>Policy guidelines are an optional part of policy and are not a substitute for a control. They are generally only required in exceptional circumstances. Proper use of zone and overlay schedules, together with robust strategies in policy, will usually avoid the need for policy guidelines.</i></p> <p><i>In addition to meeting the rules outlined in Chapter 4.2 a policy guideline must:</i></p> <ul style="list-style-type: none"> • <i>directly derive from an objective or strategy in a policy (at the state, regional or local level) and set out a clear expectation of how an objective or strategy can be met.</i> 	<p>Support Panel Recommendation in part.</p> <p>That Council adopt Amendment C217 without a local policy and include the Statement of Risk in the EMO Schedule 1 as exhibited.</p> <p>That Council amend the land use terms in Table 1 as recommended by the Panel.</p>

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
		include 'requirements' or 'policy guidelines' in the schedule.	<ul style="list-style-type: none"> • <i>provide a standard that guides the exercise of discretion for a decision-maker.</i> • <i>be based on appropriate data or research.</i> • <i>not repeat or contradict controls in a zone, overlay, particular or general provision. This would include not repeating application requirements or decision guidelines.</i> • <i>not attempt to prohibit an alternative outcome that meets the objective(s) of the policy.</i> • <i>be the only appropriate implementation measure to convey the guideline, including because an appropriate alternative VPP instrument is not available or an inefficient or complicated implementation, using a number of zones and overlays, would be needed.</i> <p><i>Operationally, policy guidelines must be taken into account, but are not required to be given effect to (unlike objectives and strategies). A permit applicant can propose an alternative method, but must still demonstrate that any proposed alternative satisfies the relevant objective or strategy.</i></p> <p>Placing the statement of risk in a policy as a discretionary policy guideline that does not need to be given effect to is not appropriate in this instance.</p> <p>The tolerable risk requirements to be achieved for new development are not discretionary (as they must be in accordance with the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007).</p> <p>In addition, separating the Statement of Risk from the Schedule will likely create confusion for planning scheme users.</p>	

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
			<p>Neither the Practitioners Guide or Ministerial Direction on the form and content of planning schemes provide specific guidance on what a “statement of risk’ is to include.</p> <p>The statement of risk proposed for inclusion is identical to the statement include in the EMO in the Colac-Otway Planning Scheme that has been approved by the Minister for Planning.</p>	
4	<p>Amend Clause 72.02 Schedule (Documents Incorporated in this Planning Scheme) to include:</p> <p>a) Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Volume 42: No 1, March 2007.</p> <p>b) Practice Note Guidelines for Landslide Risk Management 2007, Journal of</p>	<p>The Panel commented that In this instance the application requirements of EMO1 require risk assessments to be prepared in accordance with reference documents listed in the Incorporated Document.</p> <p>The Panel felt that the application requirements cannot be properly understood without the reference documents. The reference documents are therefore examples of external documents that are essential to the administration of the Planning Scheme. On this basis, they should be incorporated into the Planning Scheme.</p>	<p>The key concern with including the full documents as incorporated documents the Planning Scheme, is that if these Guidelines are updated in the future, the planning scheme will need to be amended to replace the current versions, and may mean that outdated versions of the guidelines are being used rather than the latest version.</p> <p>The documents in their entirety are able to be accessed online and are likely to be only useful to practitioners, who generally have access to these documents. Following approval of the amendment a link to the documents will be provided on the website.</p>	<p>Not supported.</p> <p>Council adopt Amendment C217 without incorporating the 2007 Guidelines into the Planning Scheme.</p>

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
	Australian Geomechanics Society, Volume 42: No 1, March 2007.			
5	Amend Clause 1.0 of the Incorporated Document <i>'Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay'</i> to replace 'Registered Professional Engineer (RPEng)' with 'Registered Professional Engineer, Victoria registered under Part 2 of the Victorian Professional Engineers	<p>The Panel commented that Council's expert witnesses' recommendation that changes to the professionals listed in the Incorporated Document improve clarity and warrant support.</p> <p>The Panel also commented that the availability of the Yarra Ranges landslide inventory is not directly relevant to the Amendment, however it will support the preparation of technical information needed to fulfil the application requirements of the EMO1. It is appropriate that Council makes this information available to practitioners.</p>	Council agrees with the Panel's recommendation and has made the required change to the Incorporated Document.	<p>Support</p> <p>Adopt Amendment C217 in accordance with the Panel recommendation.</p>

No	Recommendation	Issue raised by Panel	Response to Recommendation	Recommendation
	Registration Act 2019'.			

Summary of Written Submissions to Amendment C217

The below table provides a summary of the written submissions, together with an officer response to the submission and recommendations.

Submitter No.	Theme	Summary of Submission	Response to submission
1	In support	The Submitter supports and welcomes the amendment on the basis that it will seek to simplify the process of a planning permit application under the Erosion Management Overlay.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Recommendation: No change required to the amendment.</p>
2	In support	<p>The submitter supports the review and amendment. The submitter also raised the following general concerns:</p> <ul style="list-style-type: none"> • That residents in the Yarra Ranges Council area fail to manage the landslip risk on their properties, including inspection of large trees and acting on reducing the risk of tree plate failures. • That downstream consequences of landslip are catastrophic particularly with respect to damage to neighbouring properties and the impacts of this damage to people’s lives. • That the above issues are related to residents seeking to avoid the upkeep and management of their properties, however this avoidance is not acceptable and that Council is the only entity who can act to require more of residents with large trees at risk of falling. • The submitter has also expressed an interest in understanding what Council will require residents to do in response to the change in the Erosion Management Overlay. 	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Your concerns in relation to the management of properties with landslip are also noted.</p> <p>Part of the review undertaken of the Erosion Management Overlay also included consideration of strategies to help build community resilience to landslide hazards including:</p> <ul style="list-style-type: none"> • Improved information management practices which is critical for emergency preparedness, response, and recovery. • Improved materials and practices by putting in place durable and bushfire resilient drainage, ground retention, wastewater, and transport infrastructure in areas susceptible to landslide. • Balancing vegetation removal and considering the importance of retention of vegetation to promote slope stability.

Submitter No.	Theme	Summary of Submission	Response to submission
			<ul style="list-style-type: none"> • Improving measures and enforcing compliance with good engineering practices for development. • Clear communication to the community about landslip changes and the reasons for change. More information about hazards and equipping the community with more knowledge about practices to avoid and encourage. <p>Council also has the ability to enforce planning permit conditions, and with respect to property maintenance, Council has the ability under its Neighbourhood Local Law to require residents to maintain the safety and condition of private premises.</p> <p>Recommendation: No change required to the amendment.</p>
3	In support and requests a change	<p>The submitter has indicated they support the amendment and thanked Council for its efforts in reviewing the EMO and acknowledges that some effort has been made to address the difficulties faced by people who are unable to rebuild damaged or destroyed buildings.</p> <p>The submission has also requested that the amendment should consider assessment of any signs of landslip in existing dwellings and provide exemptions for these dwellings to be rebuilt 'as is', if damaged. Particularly those dwellings greater than 50 years of age that have been established without issue.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Advice has been sought from Council's geotechnical practitioner who has advised:</p> <ul style="list-style-type: none"> • The Erosion Management Overlay encompasses both areas where landslides have occurred in the past, or where they could occur in the future based on identifying areas with geological characteristics similar to where landslides have occurred in the past.

Submitter No.	Theme	Summary of Submission	Response to submission
			<ul style="list-style-type: none"> • In areas affected by the EMO where no landslides are known to have occurred, the primary intent of the EMO is to prevent inappropriate development such as poor earthworks, land clearance and drainage that could cause landslides in the future. • A natural disaster in the Yarra Ranges is likely to change the landslide risk because it involves loss of vegetation, for example tree fall or bushfire, or could involve loss of retaining structures, damage to drainage or re-direction of drainage. • It is important after a natural disaster that the site is assessed by appropriately qualified persons to check whether the landslide risk has changed because of the disaster and to ensure that any increased landslide risks identified are properly managed and mitigated through the rebuild process. • The proposed change cannot be supported because it is essential that existing dwellings which have been damaged, despite their age continue to form part of the planning application process and that their age, does not mean that dwellings should be excluded from the necessary steps of a contemporary planning scheme. • There are numerous examples of dwellings constructed in the hills pre-planning scheme controls which may be impacted by a natural disaster and should this occur, rebuilding measures must continue to require planning approval for the safety and integrity of the property.

Submitter No.	Theme	Summary of Submission	Response to submission
			<p>Recommendation: No change required to the amendment. The submission will be referred to an independent Planning Panel for further consideration.</p>
4	In support	<p>The submitter has indicated they support revisions to the EMO if this results in easing of restrictions regarding the development of land as part of the Ben Cairn Estate in Don Valley.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>The Ben Cairns Estate is affected by a Restructure Overlay that requires all lots to be consolidated into one lot.</p> <p>The proposed changes to the EMO are unlikely to have any impact on the ability for development in this area.</p> <p>Council officers have made contact with the land owners to explain this. No response has been received.</p> <p>Recommendation: No change required to the amendment.</p>
5	General EPA	<p>The amendment was referred to EPA as a referral authority. The submission states that the EPA will not be making a submission on the amendment.</p>	<p>Thank you for this advice. We advise that your position is noted.</p> <p>Recommendation: No change required to the amendment.</p>
6	In support	<p>The submitter supports the proposed changes to the EMO.</p> <p>The submitter also notes that as Council are prepared to accept a higher risk for certain activities, Council should prioritise</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p>

Submitter No.	Theme	Summary of Submission	Response to submission
		<p>other measures to improve community safety. Specifically the sealing and drainage of roads adjacent to properties affected by the EMO. Council's existing road sealing program could be updated to prioritise roads in affected areas.</p>	<p>Refer to the response to Submission 2 relating to measures to improve community safety.</p> <p>Suggestions relating to Council's road sealing program have been passed on to Council's traffic department.</p> <p>Recommendation: No change required to the amendment.</p>
7	Opposed	<p>The submitter does not support the amendment.</p> <p>The submitter states that their properties are not subject to erosion or landslip risk.</p> <p>The submitter also raises the following:</p> <ul style="list-style-type: none"> • That the soil is stable as evidenced by the conditions of vegetation and further states that the subject properties have not been subject to or have record of landslip or erosion. • That the adjoining road drainage poses a risk of erosion and landslip and that Council refuses to resolve this matter and uses the subject properties as a drain for water run-off from the road. • Suggests that Council should address the matter of infrastructure drainage rather than pursue Amendment C217. • That the amendment should be abandoned until road repairs have been carried out. • That the EMO should be removed from the properties referred to in their submission. 	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Advice has been sought from Council's geotechnical practitioner who has advised:</p> <ul style="list-style-type: none"> • The subject properties were included in the Erosion Management Overlay on the basis of a 1999 geological study which indicated the sites to be susceptible to landslide. • 'Susceptibility' does not necessarily mean a landslide is known to have occurred on the site in the past. It means that there is potential for a landslide to occur on the site in the future if adverse conditions prevail. • Based on studies undertaken by the Geological Survey of Victoria, the site's geology is known to be susceptible to landslide where it underlies slopes that are steeper than 30%. History shows it has been common for those landslides to be triggered by inappropriate earthworks, poor drainage or

Submitter No.	Theme	Summary of Submission	Response to submission
			<p>land clearance which by steepening slopes and allowing soil moisture to increase can trigger landslide.</p> <ul style="list-style-type: none"> • The purpose of the Erosion Management Overlay is to prevent inappropriate development that could lead to a landslide, for example excessive vegetation clearance, earthworks or poor drainage. • The purpose of the Overlay is to prevent inappropriate development that could lead to a landslide. It is also intended to afford protection from inappropriate development on adjacent sites that could cause landslide to the subject properties. <p>Issues relating to drainage were referred to Council's stormwater team for further investigation and they have made contact with the submitter related to road and drainage matters.</p> <p>Due to Federal funding cuts, the road where the objector lives will not be constructed under the Roads for Community Initiative.</p> <p>The funding reductions have had a significant impact on the Council's ability to proceed with planned projects under the Roads for the Community Initiative.</p> <p>For roads that are not funded through the Roads for Communities Initiative program, the Council currently offers incentive for landowners to participate in a</p>

Submitter No.	Theme	Summary of Submission	Response to submission
			<p>Special Charge Scheme, which can help fund specific infrastructure improvements.</p> <p>Council departments are also continuing exploring alternative solutions and potential funding opportunities that may become available in the future. It should be noted that this matter is separate to the proposed changes to the planning scheme under Amendment C217.</p> <p>Council officers have also contacted the submitter to discuss their concerns and further explain the amendment. The submitter has not withdrawn their opposing submission.</p> <p>Recommendation: No change to be made to the amendment. The submission will be referred to an independent Panel for further consideration.</p>
8	In support	The submitter supports the proposed changes to the EMO.	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Recommendation: No change required to the amendment.</p>
9	In support	<p>The submitter supports the amendment and recognises that it is urgent especially for those residents waiting to rebuild following the June 2021 storms.</p> <p>The submitter has made the following suggestions/comments for further clarity which includes:</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Advice has been sought from Council's geotechnical practitioner who has advised:</p>

Submitter No.	Theme	Summary of Submission	Response to submission
		<ul style="list-style-type: none"> • If all four requirements (rather than any of the four) must be met for the retaining wall to be exempt from a planning permit. • This provision seems confusing in relation to exemptions which do allow new earthworks, if they result in a modified ground surface less than one meter above or below the natural ground level. • Concern if the changes now require permits for any retaining wall less than 1m, unless it was associated with existing unsafe earthworks. • Suggests that the exemptions need to be clarified; specifically if any of the four requirements under dot point 6 apply, or if all of the four requirements apply. • Regarding the fifth permit exemption, could aluminium be included as a material in addition to a fence of lightweight timber or wire construction. This material is lightweight and would not impact surface water flow. • Suggests that lightweight aluminium fences which are more than 50 mm above ground surface and do not obstruct surface water flow should also form part of exemptions to planning permits. 	<ul style="list-style-type: none"> • It would be appropriate to separate the new retaining wall exemption related to expediting retaining wall works to address hazards from the 3 existing retaining wall exemptions which apply to proposed or new development. • With respect to expanding the exemptions for fences to also include aluminium fences, it would be appropriate to vary the proposed exemption wording to include reference to aluminium or other lightweight material, where the fence is permeable or the fence is at least 50mm above the ground surface and does not obstruct surface water flow. • While the clause mentions timber and wire, aluminium is also a suitable material as it would not increase landslide risk. • However the list of exemptions cannot specify every suitable material within this context. <p>Recommendation: Make changes to the amendment as requested.</p>
10	Does not object	<p>The submitter does not object to the amendment and makes the following statements:</p> <ul style="list-style-type: none"> • That they wish to be involved in the decision-making process of the EMO. • Concerns regarding the likelihood of further landslip. • Seek to be involved in all construction and works on their property or properties along their boundary. 	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>As you do not object to the amendment or make suggestions regarding changes, your comments are noted.</p>

Submitter No.	Theme	Summary of Submission	Response to submission
		<ul style="list-style-type: none"> Requiring information regarding Amendment C217. 	<p>Council further reiterates that by notifying you of the amendment and providing you with an opportunity to provide a submission and is the case, this entitles you to be involved in the decision-making process on the amendment.</p> <p>It is additionally noted that being made aware of construction and works associated with neighbouring properties cannot be achieved under the amendment. It is suggested that the submitter make contact with Council's statutory planning department so that they may be advised of applications concerning adjoining properties.</p> <p>Recommendation: No change required to the amendment.</p>
11	Does not object and requests a change	<p>The submitter does not object to the amendment and makes a suggestion regarding expanding the list of suitable geotechnical engineers to include Victorian Registered Engineers with suitable experience.</p> <p>Submitter 11 also suggest Council to consider providing details for accessing the Yarra Ranges landslide inventory.</p>	<p>Thank you for making a submission. In response to your submission, we advise that your position is noted.</p> <p>Advice has been sought from Council's geotechnical engineering consultant who has advised that:</p> <ul style="list-style-type: none"> That it would be appropriate to amend the terminology in the Incorporated Document from Registered Professional Engineer (RPEng) to Registered Professional Engineer, Victoria (meaning a person who is registered under Part 2 of the Victorian Professional Engineers Registration Act 2019) to clarify that

Submitter No.	Theme	Summary of Submission	Response to submission
			<p>the Victorian engineers registration is the necessary qualification.</p> <ul style="list-style-type: none"> • Further, the revised schedule introduces an incorporated document which includes technical requirements for geotechnical and landslide risk assessments and sets out who can undertake geotechnical and landslide risk assessments. This lists a Registered Professional Engineer (RPEng) as a qualified person. A Victorian Registered Professional Engineer registered through the Victorian Business Licencing Authority would meet this requirement. • Access to the Yarra Ranges landslide inventory is available to geotechnical practitioners qualified to undertake landslide risk assessment work within Yarra Ranges, as defined in the schedule to the EMO and incorporated documents. <p>Recommendation: Make changes to the amendment as requested.</p>
12	General South-East Water	<p>The amendment was referred to South-East Water as a referral authority.</p> <p>The submission states that South-East Water has no objection to the amendment.</p>	<p>Thank you for this advice. We advise that your position is noted.</p> <p>Recommendation: No change required to the amendment.</p>

SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

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Proposed C217yan

Shown on the planning scheme map as **EMO**.

1.0 Erosion management objectives to be achieved

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Proposed C217yan

To ensure that development can be undertaken at a tolerable risk to human life and property from landslip.

2.0 Statement of risk

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Proposed C217yan

Areas subject to landslip across the Yarra Ranges include the hillsides along the Yarra River valley, the mountains of the Dandenong Ranges and agricultural areas of Silvan, Monbulk and Seville.

The occurrence of landslips within the Yarra Ranges has historically caused damage to property and the environment and presents an ongoing risk to human life. Geotechnical studies have documented historical landslip occurrences and sought to identify areas susceptible to future landslide occurrence.

The control of environmental factors and development relating to vegetation cover, drainage, rock, earthworks, soil disturbance and effluent and stormwater disposal are all important in managing the risk from landslip.

Risk from landslip needs to achieve a Tolerable Risk level to be considered suitable for new development.

Tolerable Risk is a risk within a range that society can live with so as to secure certain net benefits. It is a range of risk that is regarded as non-negligible and requires ongoing review and reduction if possible. The maximum tolerable risk is defined as:

- For loss of life of the individual most at risk, is taken as having a probability of no greater than 10^{-5} (1 in 100,000) per annum calculated in accordance with the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007.
- For property loss is assessed qualitatively using the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007, specifically Appendix C to that document with the maximum tolerable risk level selected based on type of new development in accordance with Table 1.

Table 1 - Maximum tolerable risk to property

New Development Type	Maximum Qualitative Tolerable Risk
Essential facilities including Hospitals, Medical centre and Emergency services facility.	Low
Land uses capable of causing hazardous conditions including Earth and energy resources industry, Freezing and cool storage and Fuel depot.	
All other land uses	Moderate

3.0 Permit requirement

--/---
Proposed C217yan

A permit is required for all subdivision and new buildings and works except for:

- Impervious water holding structures engineer designed or manufactured to an Australian Standard such as domestic rainwater tanks and spas, ponds and rainwater gardens with a capacity not exceeding 5000 litres.
- Landscaping water features or other non-engineer designed or manufactured water retaining structures provided that do not entail ponding of more than 500 litres.
- A masonry fence, if the height of the fence does not exceed one metre and the fence does not alter surface water drainage.
- A fence of lightweight construction including timber, wire or aluminum where the fence is permeable or the base of the fence is at least 50 mm above the ground surface and does not obstruct surface waterflow.
- Earthworks that result in a modified ground surface that is less than 1 metre above or below the natural ground level and does not allow water ponding.
- Alteration or extension to an existing building provided all of the following are met:
 - the floor area of the alteration or extension is not more than 20 square metres;
 - the alteration is connected to a legal point of discharge;
 - there are no existing earthworks higher than 1 metre within 5 metres of the alteration or addition.
- An outbuilding ancillary to a dwelling, provided all the following are met:
 - the building is not used for accommodation;
 - the building is constructed with aluminium, steel or timber;
 - the total area of outbuildings on the lot is 40 square metres or less;
 - the building is connected to a legal point of discharge;
 - there are no existing earthworks higher than 1 metre within 5 metres of the building.
- A building used for agriculture, provided all of the following are met:
 - the building is constructed with aluminium, steel or timber;
 - there are no more than two agricultural buildings on the lot;
 - the building is connected to a legal point of discharge;
 - there are no existing earthworks higher than 1 metre within 5 metres of the building.
- A temporary shed or temporary structure for construction purposes with a floor area of 20 square metres or less.
- A retaining wall associated with new excavation or fill provided all of the following are met:
 - the retaining wall and associated earthworks result in a modified ground surface that is less than 1 metre above or below the natural ground level;
 - the retaining wall is less than 1 metre high;
 - the retaining wall is not attached to or part of a building or structure;
 - the retaining wall does not provide landslip protection for any adjoining land.
- A retaining wall or slope retention to support existing earthworks provided the earthworks were undertaken prior to 2001.
- Remove, destroy or lop vegetation, either separately or as part of building works if any of the following apply:
 - A tree with a trunk circumference Page 97 metres or less measured 1.3 m above ground

level.

- Vegetation within 2 metres of a building.
- Dead vegetation where the ground surface is reinstated.
- Lopping necessary to improve the health or structural stability of a tree.

4.0 Application requirements

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

For an application to construct a building or construct or carry out works:

- Plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed new development, including as appropriate a site plan, land contours, building elevations, access, cut and fill, retaining walls and effluent disposal system.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks and water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and locations of existing vegetation, including any vegetation to be removed.
 - A Geotechnical Assessment or Landslide Risk Assessment prepared in accordance with the Incorporated Document ‘Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO), March 2023.’

For an application to subdivide land:

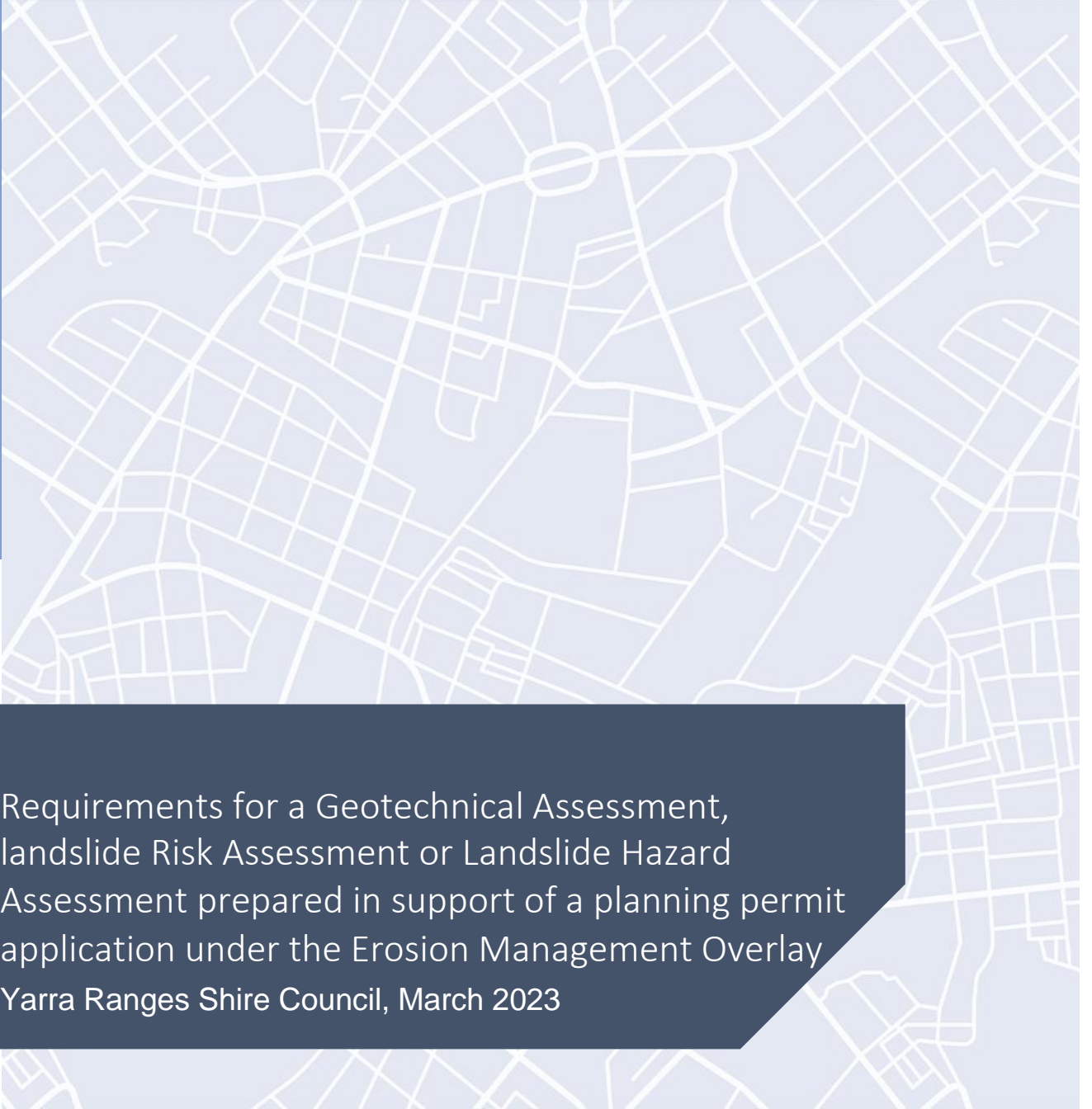
- Plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed subdivision layout and land contours.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks or water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
 - Landslide Hazard Assessment in accordance with the Incorporated Document ‘Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (EMO), March 2023’.
- If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the application requirements.

5.0 Decision guidelines

Proposed C217/ran

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme must be considered, as appropriate, by the responsible authority:

- The risk to human life and property is tolerable.
- The recommendations of the Geotechnical Assessment, Geotechnical Hazard assessment or any Landslide Risk Assessment.
- The need for any ongoing monitoring and maintenance for mitigation measures.



Requirements for a Geotechnical Assessment,
landslide Risk Assessment or Landslide Hazard
Assessment prepared in support of a planning permit
application under the Erosion Management Overlay
Yarra Ranges Shire Council, March 2023

YARRA RANGES PLANNING SCHEME

Incorporated Document

**This document is an incorporated document in the
Yarra Ranges Planning Scheme pursuant to section
6(2)(j) of the Planning and Environment Act 1987**

1.0 INTRODUCTION

This document is an Incorporated Document to the Schedule to Clause 44.0 and Clause 72.04 of the Yarra Ranges Planning Scheme (the Scheme), pursuant to section 6(2)(j) of the *Planning and Environment Act 1987* (the Act).

This document sets out the requirements for geotechnical assessments and reporting in support of planning applications required under the provisions of the Yarra Ranges Erosion Management Overlay – Schedule 1.

The documentation described herein is to be prepared by a Geotechnical Practitioner, being an Engineer or Engineering Geologist who has experience in the management of slope stability problems and landslide risk management as a core competence, is degree qualified, and who has current professional status as a:

- Chartered Professional Engineer (CPEng); or
- ;
- Registered Professional Engineer, Victoria (*meaning a person who is registered under Part 2 of the Victorian Professional Engineers Registration Act 2019*); or
- Chartered Professional Geologist (CPGeo); or
- Registered Professional Geologist (RPGeo).

There are different assessment and reporting requirements for Subdivision and Buildings and Works, where:

- Subdivision – is a subdivision as specified in the *Subdivision Act 1988*;
- Buildings and works – is Buildings or Works as specified in the *Planning and Environment Act 1987*.

The geotechnical documentation required to inform the assessment of landslide risk for subdivision or buildings and works is set out below. If there is any inconsistency between the specific controls in this document and the general provisions of the Scheme, the specific controls will apply.

2.0 LAND DESCRIPTION

This Incorporated Document applies to all land covered by the Erosion Management Overlay in the Yarra Ranges Planning Scheme.

3.0 APPLICATION OF PLANNING SCHEME PROVISIONS

In the event of any inconsistency between the specific controls contained in this document and the general provisions of the scheme, the specific controls contained in this document will prevail.

4.0 EXPIRY OF THIS SPECIFIC CONTROL

No expiry provisions apply.

5.0 PURPOSE

The purpose of this document is to provide additional detail on Application Requirements to the requirements of Clause 44.01-6 of the Erosion Management Overlay and Clause 4.0 of the Erosion Management Overlay Schedule 1.

6.0 CONTROLS:

6.1 Buildings and works

6.1.1 Assessment Requirements

If the geotechnical practitioner assesses that the site has:

- A slope angle of less than 9 degrees at and within 20 m of the proposed new development; and
- Has not previously been affected by landslide, and;
- There are no credible landslide or debris flow hazards that could affect the proposed development, including debris flow;

a Geotechnical Assessment (as described at 6.1.2) may not be required. However, the Geotechnical Practitioner should provide written advice stating that these requirements have been met. Written evidence should include a site description and evidence to support the advice. Where these requirements have not been met, a Geotechnical Assessment prepared in accordance with the requirements set out in Section 6.1.2 is required.

A written Landslide Risk Assessment prepared in accordance with the requirements of Section 6.1.3 is required in addition to a Geotechnical Assessment if any of the following apply:

- the Geotechnical Assessment or other landform data (a detailed site survey) indicates natural slopes on or immediately adjacent to the subject lot which:
 - are steeper than 11 degrees (20%) in areas underlain by Tertiary Older Volcanics or Quaternary Colluvium; or
 - are steeper than 22 degrees (40%) in all other geologies including the spatially extensive Devonian Volcanics; or
 - exhibit evidence of possible or past landsliding on or immediately adjacent to the site; or
 - the Geotechnical Assessment concludes there are landslide or debris flow hazards affecting the new development that require a Landslide Risk Assessment; or
 - in the opinion of the Responsible Authority, the Geotechnical Assessment is not sufficient to determine that the development can be carried out in a manner which will not adversely increase the landslide risk to life or property affecting the subject lot or adjoining or nearby land.

6.1.2 Geotechnical Assessment

Where a Geotechnical Assessment is required, it must be prepared in accordance with the methodology described below and with reference to the Australian

Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007. The Geotechnical Assessment must be for the development proposed in the application, and include:

- Details of the Geotechnical Practitioner and their qualifications and experience including but not limited to experience in the management of slope instability problems and landslide risk management.
- A statement that the assessment is based on field survey measurements undertaken not more than 12 months prior to the relevant application for development.
- A detailed site description.
- Site assessment plans and cross-sections of the subject lot and relevant surrounds for the area potentially subject to landslide or debris flow hazards. Plans and cross sections are to be based on field measurements, with measured ground slopes shown and drawn to scale and dimensioned. Where applicable, plans should show the areas of the site subject to landslide or debris flow hazards.
- A detailed assessment of subsurface conditions, including the underlying geology.
- A statement indicating whether there are natural slopes on or immediately adjacent to the subject lot which exhibit evidence of landslide potential, or past landslide.
- Relevant entries in the Yarra Ranges landslide inventory.
- Details of all site investigations and any other information used in preparation of the Geotechnical Assessment.
- A statement indicating whether subsurface investigation involving boreholes and/or test pit excavations or other methods is necessary to assess the geotechnical/geological model for the subject lot and details of all such investigations, boreholes, test pits or other methods.
- A statement indicating that in the opinion of the Geotechnical Practitioner, the proposed new development is not subject to significant landslide or debris flow hazards and is not expected to be subject to significant landslide or debris flow hazards over the design life of the development such that a Landslide Risk Assessment (as described in the following section) is not required. Where significant landslide hazards are identified and this statement cannot be made, a Landslide Risk Assessment undertaken in accordance with the requirements of Section 6.1.3 is required and a statement should be made in the Geotechnical Assessment that a Landslide Risk Assessment is required.
- A statement indicating whether or not new development should only be approved subject to conditions, and if so recommend what conditions are required that may be related but not limited to:

- The positioning of buildings and works on site to avoid landslide and debris flow hazards.
- The provision of appropriate footing types and base levels and foundation materials in any structural works, including all retaining walls.
- The location/s of and depth/s of soil and rock cut and fill.
- The construction of any excavations and fill and the method of retention of such works.
- Any details of surface and sub-surface drainage.
- The selection and design of a building structure system.
- Retention, replanting and new planting of vegetation.
- Any effluent drainage and discharge.
- Any necessary ongoing mitigation and maintenance measures and any recommended periodic inspections, including performance measures and thresholds.
- The time within which works must be completed after commencement and the location/s and maximum time period that materials associated with the development can be stockpiled.
- Any requirements for geotechnical inspections and approvals to be incorporated into a construction work plan for building approval.
- Be accompanied by a Geotechnical Declaration and Verification Form (Form A).

6.1.3 Landslide Risk Assessment

A written Landslide Risk Assessment is to be prepared by a suitably qualified and experienced Geotechnical Practitioner in accordance with the methodology set out in the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007. The Landslide Risk Assessment must be for the new development proposed in the application and include:

- A copy of the Geotechnical Assessment prepared for the subject land and proposal and, if not prepared by the Geotechnical Practitioner preparing the Landslide Risk Assessment, contain a response by the Geotechnical Practitioner preparing the Landslide Risk Assessment, agreeing with the findings and conclusions of the Geotechnical Assessment.
- If reported in conjunction with a Geotechnical Assessment, include all the requirements of a Geotechnical Assessment as set out in Section 6.1.2 in addition to those of a Landslide Risk Assessment.
- If the Geotechnical Practitioner preparing the Landslide Risk Assessment does

not support the findings and conclusions of the Geotechnical Assessment for new development, the Geotechnical Practitioner must prepare an additional Geotechnical Assessment.

- An assessment supported by field observations and measurements that have been undertaken not more than 12 months prior to the lodgment of the application for a planning permit.
- A full assessment of the risk posed by all reasonably identified landslide, debris flow and slope degradation hazards which could impact or be caused by the new development and which have the potential to either individually or cumulatively impact upon people or property, in accordance with the AGS 2007 Guidelines.
- An assessment of the risk posed by potential future vegetation removal, including by bushfire or for bushfire protection if undertaken to the maximum extent permissible under the conditions of any planning permit and under permit exemptions in the Planning Scheme.
- A statement indicating that in the opinion of the Geotechnical Practitioner, the proposed new development can be undertaken such that the risk to life and property does not exceed a tolerable level and will not exceed a tolerable level over the life of the proposed development.
- Be accompanied by a Geotechnical Declaration and Verification Form (Form A)

6.2 Subdivision

Where subdivision is proposed, a Landslide Hazard Assessment should be prepared by a Geotechnical Practitioner in accordance with the methodology set out in the Australian Geomechanics Society Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning 2007. The objective of the Landslide Hazard Assessment is to identify hazards affecting future development within a proposed subdivision and to recommend constraints on subdivision and future development. The Landslide Hazard Assessment should include as a minimum:

- A definition of scope establishing the purpose and scope of the hazard assessment.
- A data gathering / desktop phase assembling relevant data and recording the sources of the data. The Yarra Ranges landslide inventory should be consulted as part of the desktop study.
- Completion of investigations sufficient to establish a geotechnical model, identify geomorphic processes and associated process rates.
- Inspection of the site and surrounds including field mapping of the geomorphic features.

- A landslide inventory map covering the proposed subdivision and relevant surrounding areas and associated information on landslides in the inventory (if available) such as classification, location, time of sliding (if known), volume and a description of validation and limitations of the inventory.
- Landslide susceptibility zoning maps prepared in accordance with the AGS 2007 Guidelines including related information on how susceptibility was determined and a description of validation and limitations of the zoning.
- General commentary regarding the nature of the landslide or debris flow hazards, frequency and potential impacts or consequences and their implications for levels of associated risk.
- Recommendations as to whether the proposed subdivision is viable in its current format and an indication of areas that in the opinion of the geotechnical practitioner:
 - are not suitable for development;
 - are suitable for development subject to constraints or risk mitigation and an indication of those constraints;
 - are suitable for development without constraints;
- Discussion of potential impacts to adjacent land.
- Be accompanied by a Geotechnical Declaration and Verification Form (Form A).

7.0 References

- Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Commentary on Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Commentary on Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.

END OF DOCUMENT

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0

Background documents

04/05/2023 - / / - - -
C197yranPt2 Proposed C217yran

Name of background document	Amendment number - clause reference
<i>Belgrave Commercial Precinct</i> (Lovell Chen, 2009)	
<i>Brocklesby House Ladies Rest Home</i> (Trevor Westmore, 2009)	
<i>Cave Hill Quarry Conservation Management Plan</i> (Lovell Chen, 2015)	
<i>Cement Creek Plantation, Cement Creek Road, East Warburton Heritage Citation</i> (Extent Heritage Pty Ltd, October 2022)	C197yranPt2 - Clause 43.01
<i>Chirnside Park Urban Design Master Plan</i> (Woods Bagot, September 2010)	
<i>Coldstream Structure Plan</i> (Yarra Ranges Council 2016)	
<i>Conservation of Historic Sites and Structure of Historical and Architectural Significance in the Upper Yarra Valley and Dandenong Ranges Region October</i> (Upper Yarra and Dandenong Ranges Regional Authority, 1978)	
<i>Erosion Management Overlay – Basis for Schedule Amendment (WSP Australia, formerly Golder Associates, May 2023)</i>	C217yran
<i>Former Lilydale Quarry Heritage Interpretation Strategy</i> (Lovell Chen & Biosis, 2020)	
<i>Former Lilydale Quarry Integrated Transport Plan</i> (Cardno, 2020)	
<i>Former Lilydale Quarry Integrated Water Management Strategy</i> (Incitus, 2020)	
<i>Former Lilydale Quarry Stormwater Strategy</i> (Incitus, 2020)	
<i>Former Lilydale Quarry Sustainability Framework</i> (WSP, 2020)	
<i>Healesville Structure Plan</i> (Yarra Ranges Council, 2016)	
<i>Lilydale Historic Houses Precinct Methodology and Heritage Precinct Report</i> (Lovell Chen, 2011)	
<i>Lilydale Major Activity Centre Structure Plan</i> (Yarra Ranges Council, 2006)	
<i>Lilydale Urban Improvement Project</i> (Planisphere, 2008)	
<i>Mooroolbark Activity Centre Structure Plan</i> (Yarra Ranges Council, 2011)	
<i>The Bend Heritage Precinct Citation</i> (Lovell Chen, 2011)	
<i>Vision 2020 by Design – A Built Environment Framework for Yarra Ranges</i> (Yarra Ranges Council, 2008)	
<i>Yarra Ranges Shire Council Gambling Planning Policy Framework - Options Paper</i> (Symplan Consulting, 2007)	
<i>Yarra Ranges Shire Council Gambling Planning Policy Framework - Discussion Paper</i> (Symplan Consulting, 2007)	
<i>Yarra Ranges Green Wedge Management Plan</i> (Yarra Ranges Council, 2010)	
<i>Yarra Ranges Housing Strategy</i> (Yarra Ranges Council, 2009)	
<i>Yarra Ranges Activity Centre Network Strategy</i> (Essential Economics, 2012)	

REPORT

Shire of Yarra Ranges Erosion Management Overlay
Basis for Schedule Amendment

Submitted to:

Yarra Ranges Council

P.O. Box 105, Anderson Street
Lilydale, VIC 3140

Submitted by:

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PS134170-005-R-Rev0

May 2023



Distribution List

1 Copy - Yarra Ranges Council

List of Abbreviations

AGS	Australian Geomechanics Society
BoM	Australian Government Bureau of Meteorology
ASMG	A.S. Miner Geotechnical
DELWP	Department of Environment, Land, Water and Planning
DEM	Digital Elevation Model
EMO	Erosion Management Overlay
IPCC	Climate Council and Intergovernmental Panel on Climate Change
GIS	Geospatial Information System
GSV	Geological Survey of Victoria
LiDAR	Laser imaging, detection, and ranging
LGA	Local Government Area
MMBW	Melbourne Metropolitan Board of Works
NGOs	Non-Government Organisations (NGOs)
SIA	Secondary Impact Assessment
UYVDRA	Upper Yarra Ranges and Dandenong Ranges Authority UYVDRA
YRC	Yarra Ranges Council

Geological Units

Qa1	Alluvium	Dvm	Mt Evelyn Rhyodacite
Qc1	Colluvium	Dvc	Coldstream Rhyolite
Tvo	Tertiary Volcanics	DIwn	Norton Gully Sandstone
Dug	Devonian Granite/Granodiorite	DIh	Humevale Siltstone
Dcd	Donna Buang Rhyodacite	Sud	Dargile Formation
Dvf	Ferny Creek Rhyodacite	Sla	Anderson Creek Formation
Dvk	Kalorama Rhyodacite		

Executive Summary

Based on a review of the provisions of the Yarra Ranges Council Erosion Management Overlay (EMO) a strategy for revising and improving the schedule to the EMO within the Shire of Yarra Ranges has been put forward. Key elements of the strategy to revise the schedule to the EMO include:

- Additional exemptions, for example where works are specifically intended to reduce a landslide risk.
 - Clarifying existing exemptions in relation to development in proximity to existing earthworks.
 - Providing discretionary exemption to Council where community benefit outweighs landslide risk.
 - Taking structure importance into consideration in risk tolerance thresholds for property. This results in tolerance of a higher risk to residential property than under the current EMO.
- Providing an incorporated document which sets out technical information required to be provided by a suitably qualified geotechnical engineer in support of a planning application, which includes:
 - An additional tier of assessment to allow a geotechnical professional to advise Council there are no significant hazards that could affect the proposed development and to remove the requirement to provide a full geotechnical assessment.
 - Specialised requirements for geotechnical reports provided in support of subdivision applications, distinct from the requirements for applications relating to buildings and works.

This report sets out the basis for modification recommended to the EMO schedule. An example EMO schedule and incorporated document are appended to this report (Appendix A and B), which include the strategic recommendations set out above.

Note that this document discusses changes to the existing schedule only, and does not address updates to the mapped extent of the EMO. We understand that amendments to mapping may be considered as part of a future planning scheme amendment.

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APPENDICES

APPENDIX A

Example EMO Schedule

APPENDIX B

Example Incorporated Document

APPENDIX C

Important Information

1.0 INTRODUCTION

Yarra Ranges Council (Council) has engaged WSP Australia Pty Ltd (WSP Golder), assisted by AS Miner Geotechnical Pty Ltd (ASMG), to undertake a review of the schedule to the Erosion Management Overlay, (C189yan, dated 8 July 2021) (EMO) within the Shire of Yarra Ranges Local Government Area (LGA). A review of the justification for an amendment has been undertaken by WSP Golder, the results of which are set out in our report of 28 April 2023 (ref: PS134170-002-R-Rev0). A summary of the suggested schedule amendments and the strategic benefits arising from that review is set out in Table 1.

This report provides recommendations for a planning scheme amendment intended to implement the schedule amendments set out in Table 1. We note there is also potential to update the mapped extent of the EMO, however the recommendations in this report address updates to the schedule only. We understand that amendments to mapping may be implemented through future planning scheme amendments.

Table 1: Summary of suggested amendments to Yarra Ranges EMO Schedule

Suggested Amendment Provisions (Schedule)	Basis	Strategic Benefit
Develop incorporated document containing technical geotechnical information.	Has been suggested at state level as a means of simplifying EMO schedules and improving consistency between geotechnical practitioners. Has recently been adopted for the Colac Otway amendment.	Simplify the EMO by removing technical jargon. Allow update of geotechnical reporting requirements without amending EMO schedule. Improve quality and consistency of geotechnical reports. Inform planners of what a geotechnical report should contain.
Review and amend list of exemptions for minor buildings, works and vegetation removal. Clarify confusing exemptions such as 20% within 20 m requirement.	There have been some applications triggered under the EMO which should be exempt from EMO requirements on a technical basis.	Revise exemptions for minor or essential development for which landslide risks are typically low or where society benefit clearly outweighs landslide risk, for example minor service upgrade and repair. Remove current requirement for all building and works to trigger a permit requirement.
Provide discretionary exemption where societal benefit outweighs the landslide risk or where delayed action could be detrimental.	There are cases where delaying works could be detrimental to slope stability. For example, excavation and vegetation removal to repair a leaking water service. It may not be possible to nominate every circumstance whereby such discretion could be exercised, requiring a general exemption at Council's discretion.	Avoid delaying essential, beneficial work.
Include additional tier in approach to landslide risk assessment with provision to waive the requirement for a geotechnical assessment.	Avoid requirement for applicants to provide a full geotechnical assessment or landslide risk assessment where there are no landslide hazards and full assessment is not justified.	Achieve level of assessment and impost on applicants consistent with the level of risk associated with the application. Lower reporting requirements and cost for lower risk.
Reconsider risk to property tolerance criteria to make consistent with guidance	Has been adopted by other regulatory authorities, including Colac-Otway Shire and is	Provides a clear decision basis. Allows risk threshold requirements to be consistent with importance of structure.

Suggested Amendment Provisions (Schedule)	Basis	Strategic Benefit
provided in AGS 2007. Consider different tolerable risk threshold for structures of different importance.	consistent with advice in AGS 2007.	
Develop separate requirements for applications related to subdivision.	The information on landslide hazards required to assess the risk to subdivision differs from that required to assess the risk to building and works.	Allows appropriate information to be provided and better informs assessment of applications within the EMO.

¹ Assessment of land subject to erosion is beyond this scope of this document. Note that state policy uses the term 'slope instability'. However, the term 'landslide' is used here for consistency with national guidelines, e.g. Australian Geomechanics Society Landslide Risk Management Guidelines, 2007 (AGS 2007).

2.0 RECOMMENDED AMENDMENTS TO PROVISIONS

The recommended amendments to the provisions as set out in Table 1 have been incorporated into an example EMO schedule included at APPENDIX A and example incorporated document included at APPENDIX B). The following sets out the basis and reasoning behind the recommended amendments to the schedule and incorporated document.

2.1 Exemptions for Landslide

The exemptions included in the example schedule in APPENDIX A are based on the below commentary.

Impervious water holding structures

Impervious water holding structures of relatively small capacity such as tanks, pools and spas present a landslide risk because they could leak, leading to a concentration of water in the subsurface which could lead to instability. Tanks can also impose a significant surcharge load to the slope. Notwithstanding this, engineered, impervious water holding structures such as water tanks can be expected to have a low likelihood of leakage. If the tanks are fitted with underdrainage, typically granular aggregate under the tank provided to allow water leakage from the tank to drain out on to the slope surface rather than seep into the slope, there is a low likelihood of the water tank reducing the stability of a slope. Note that the earthworks required to level an area for a tank or water holding structure could introduce a landslide risk and may not be exempt.

Large or pervious water holding structures such as dams from which a leak could result in a greater volume of water infiltration into the ground are not exempt.

Earthworks

Earthworks present a risk because they can potentially be unstable causing soil or rock to collapse on to buildings or people. Furthermore, earthworks can trigger landslides on natural slopes by changing the distribution of stresses in the ground. However, it is not practical to require a planning permit for any form of ground disturbance no matter how minor.

It is recommended that minor earthworks, which could change the natural ground surface by less than 1 m be exempt. It is important to note that the 1 m is measured relative to the natural ground surface. If for example existing earthworks which exceed a depth of 1 m are deepened by 0.5 m, this would not be exempt because the overall depth of excavation relative to the natural ground surface would be 1.5 m. The existing schedule seeks to identify the potential for existing earthworks by including a clause that where the slope within 20 m of the proposed development is steeper than 20%, the development is not exempt. This basis of this clause was that if the site is steeper than 20% and previously developed, it is very unlikely that development would have occurred without earthworks having been carried out. Based on our experience, this clause has created some confusion and has been difficult to interpret. It is recommended it be replaced with a clause that triggers an assessment if there are existing earthworks greater than 1 m within 5 m of a proposed development.

Note that the current EMO schedule includes exemption for earthworks less than 600 mm in height. Adopting a height of 1 m increases the allowable exemptions. The consequences of 1 m of soil collapsing on a person, as might occur in a scenario of somebody standing at the base of or below a 1 m high cut, are not typically fatal. For example, Work Safe Victoria guidelines restrict persons from entering an excavation deeper than 1.5 m (Worksafe Victoria 2019¹), unless appropriate safety controls are in place. The Work Safe Victoria

¹ WorkSafe Victoria Compliance Code, Excavation, Edition 2, December 2019.

guidelines refer to construction sites and generally temporary excavation. In a residential setting, where persons may be more vulnerable to impact from soil compared to on a construction site, and for permanent excavation, a more onerous criteria of 1 m is recommended as a trigger for a planning permit.

Fences

Fences generally do not change landslide risk unless:

- They are impermeable at ground surface and could cause disruption or redirection and concentration of surface water flow.
- They are heavy, for example masonry that could present a risk to life if they constructed on unstable ground and were to topple.

There is a basis to exempt permeable, lightweight fences. Freestanding masonry walls higher than 1 m and fences impermeable at ground level should not be exempt.

Minor Extensions

Minor extensions may not significantly alter landslide risk if they do not require earthworks, are not heavily loaded, nor alter surface drainage or the volume of on-site wastewater disposal. It is too onerous to require a planning permit for very minor extensions if they do not significantly alter the landslide risk. A nominal extension area of 20 m² is proposed, below which works are exempt. This area has been selected for consistency with other planning schemes. Note that if earthworks requiring excavation or filling greater than 1 m are required as part of the extension, it would not be exempt.

Non-Habitable Structures

Non habitable structures including sheds and agricultural buildings would generally not be associated with a significant risk to life due to the much lower proportion of time a person is in the structure compared to a dwelling. This risk is also reduced if the structure is formed from lightweight materials unlikely to cause a fatality if they were to collapse on to someone. The consequences of the risk to property depend on the value of the non-habitable asset. There is a basis to exempt non-habitable structures from the requirement of a planning permit if they are light weight, flexible structures of low value which require no significant earthworks or changes to on site surface water discharge. It is difficult to assign a value threshold, however taking precedent from other planning schemes and maintaining the threshold adopted in the existing schedule, the size of the structure can be used as a proxy for value. A nominal size of 40 m² is recommended below which an exemption could apply for non-habitable structures. For agricultural buildings, involved in primary production, and for which stormwater and drainage alterations caused by the building are not expected to have a significant impact, no size limit is applied. Note that an agricultural building of reasonable size within the sloping ground of the EMO is likely to require significant earthworks and would otherwise trigger a permit on that basis.

Vegetation

A loss of vegetation can cause slope instability because it facilitates change in the soil moisture conditions and the soil may be mechanically strengthened by living vegetation root systems. Bushfires for example, followed by heavy rainfall in the following months can lead to debris flows. Good landslide and slope stability management would usually involve the retention of vegetation as far as is practical.

Where removal or modification of vegetation does not substantially change the capacity of the vegetation to remove moisture from the soil, there is a basis for an exemption. This includes the removal of dead vegetation, pruning works that do not involve the removal of a significant proportion of vegetation and the removal of shallow rooted vegetation such as grasses.

Water bearing services are a potential landslide trigger, noting that the 1997 Thredbo landslide was triggered by a leaking underground service. The potential for a leaking service to trigger a landslide is likely to be far greater than the removal of isolated vegetation. To this end, if vegetation removal is required to access and repair services, the landslide risk is likely to be lower if delay in accessing the services and effecting the repairs is minimised. There is a basis to exempt vegetation removal if it is required to access, repair and maintain underground services. The construction and installation of new services, if poorly sited and constructed could increase landslide risk and should not be exempt.

2.2 Risk Acceptance

Under the current EMO provisions, it is necessary for a suitably qualified geotechnical professional to estimate a risk level and to evaluate the estimated risk against a criteria. This is done in accordance with the methods described in the Australian Geomechanics Society Guidelines for Landslide Risk Management² (AGS 2007). As set out in AGS 2007, the risk tolerance threshold is to be set by the relevant regulatory authority. The existing EMO provisions provide a qualitative tolerable risk threshold (Low) for risk to property or structure damage and do not allow for variation of risk tolerance based on the importance level of the structure. For risk to life, the current schedule requires a quantitative assessment of risk to life to indicate an annual probability of loss of life for the individual most at risk to be less than 10^{-5} (1 in 100,000).

2.2.1 Method of Qualitative Risk Assessment for Property

The qualitative risk assessment to property set out in AGS 2007 requires two key inputs – the *Likelihood* and the *Consequence*. The *Likelihood* describes the annual probability of the development being impacted by a landslide. The *Consequence* describes the severity of the impact that the landslide has on the property. These two inputs are combined in a matrix (Figure 1) to indicate a risk level, reported on a five level scale: Very High, High, Moderate, Low, Very Low. The inputs to the risk assessment are further discussed subsequently.

² Australian Geomechanics Society (2007), Guidelines for Landslide Risk Management, Australian Geomechanics, Vol 42, No 1 March 2007.

QUALITATIVE RISK ANALYSIS MATRIX – LEVEL OF RISK TO PROPERTY

LIKELIHOOD		CONSEQUENCES TO PROPERTY (With Indicative Approximate Cost of Damage)				
	Indicative Value of Approximate Annual Probability	1: CATASTROPHIC 200%	2: MAJOR 60%	3: MEDIUM 20%	4: MINOR 5%	5: INSIGNIFICANT 0.5%
A - ALMOST CERTAIN	10 ⁻¹	VH	VH	VH	H	M or L (5)
B - LIKELY	10 ⁻²	VH	VH	H	M	L
C - POSSIBLE	10 ⁻³	VH	H	M	M	VL
D - UNLIKELY	10 ⁻⁴	H	M	L	L	VL
E - RARE	10 ⁻⁵	M	L	L	VL	VL
F - BARELY CREDIBLE	10 ⁻⁶	L	VL	VL	VL	VL

Notes: (5) For Cell A5, may be subdivided such that a consequence of less than 0.1% is Low Risk.
 (6) When considering a risk assessment it must be clearly stated whether it is for existing conditions or with risk control measures which may not be implemented at the current time.

RISK LEVEL IMPLICATIONS

Risk Level		Example Implications (7)
VH	VERY HIGH RISK	Unacceptable without treatment. Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to Low; may be too expensive and not practical. Work likely to cost more than value of the property.
H	HIGH RISK	Unacceptable without treatment. Detailed investigation, planning and implementation of treatment options required to reduce risk to Low. Work would cost a substantial sum in relation to the value of the property.
M	MODERATE RISK	May be tolerated in certain circumstances (subject to regulator’s approval) but requires investigation, planning and implementation of treatment options to reduce the risk to Low. Treatment options to reduce to Low risk should be implemented as soon as practicable.
L	LOW RISK	Usually acceptable to regulators. Where treatment has been required to reduce the risk to this level, ongoing maintenance is required.
VL	VERY LOW RISK	Acceptable. Manage by normal slope maintenance procedures.

Note: (7) The implications for a particular situation are to be determined by all parties to the risk assessment and may depend on the nature of the property at risk; these are only given as a general guide.

Figure 1: Extract from AGS2007 showing the matrix for qualitative risk assessment for property.

‘Tolerable’ risk which sets the threshold in the EMO schedule is taken as one order of magnitude greater than ‘acceptable’ risk. Acceptable risk is a risk that requires no assessment or specific management. Tolerable risk is a risk that can be tolerated, subject to appropriate management – i.e. it remains a consideration into the future.

Under the current EMO provisions, Low or Very Low risk is designated as tolerable, Moderate is not tolerable. For example, if a landslide were considered to result in the complete destruction of a dwelling (Catastrophic, which means the cost of stabilisation, repair and rebuild is estimated to be greater than the present value of the property), then the likelihood of this happening would need to Rare (less than 10⁻⁵ or 1 in 100,000 annual probability) to meet the tolerable criteria set out in the schedule.

The risk level implications set out in Figure 1 indicate that Moderate Risk may be tolerated in some circumstances but that investigation and treatment options should be implemented to reduce the risk to Low. However, there is guidance within AGS2007 which discusses adjustment to the tolerable risk criteria based on the societal value or ‘importance’ level of the structure, as distinct from the dollar value. The importance level, is rated from 1 through 4 as indicated in Figure 2 with 1 being less important structures and 4 being more important structures. Notably, low rise residential construction is nominated as an importance level 2 structure.

Importance Level of Structure	Explanation	Examples (Regulatory authorities may designate any structure to any classification type when local conditions make such desirable)
1	Buildings or structures generally presenting a low risk to life and property (including other property).	Farm buildings. Isolated minor storage facilities. Minor temporary facilities. Towers in rural situations.
2	Buildings and structures not covered by Importance Levels 1, 3 or 4.	Low-rise residential construction. Buildings and facilities below the limits set for Importance Level 3.
3	Buildings or structures that as a whole may contain people in crowds, or contents of high value to the community, or that pose hazards to people in crowds.	Buildings and facilities where more than 300 people can congregate in one area. Buildings and facilities with primary school, secondary school or day-care facilities with capacity greater than 250. Buildings and facilities for colleges or adult education facilities with a capacity greater than 500. Health care facilities with a capacity of 50 or more residents but no having surgery or emergency treatment facilities. Jails and detention facilities. Any occupancy with an occupant load greater than 5,000. Power generating facilities, water treatment and waste water treatment facilities, any other public utilities not included in Importance Level 4. Buildings and facilities not included in Importance Level 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond property boundaries.
4	Buildings or structures that are essential to post-disaster recovery, or with significant post-disaster functions, or that contain hazardous materials.	Buildings and facilities designated as essential facilities. Buildings and facilities with special post-disaster functions. Medical emergency or surgery facilities. Emergency service facilities: fire, rescue, police station and emergency vehicle garages. Utilities required as back-up for buildings and facilities of Importance Level 4. Designated emergency shelters. Designated emergency centres and ancillary facilities. Buildings and facilities containing hazardous (toxic or explosive) materials in sufficient quantities capable of causing hazardous conditions that extend beyond property boundaries.

Figure 2: Extract from AGS2007 indicating importance level of structure.

Figure 3 indicates the suggested 'Acceptable' level of qualitative risk set out in AGS 2007. For development within the EMO, risk mitigation measures will usually be recommended through the geotechnical assessment process, so tolerable risk is the appropriate threshold to apply.

For clarity, the table in Figure 3 has been amended in

Table 2 to indicate the AGS 2007 suggested tolerable risk for structures of different importance levels.

Table C10: AGS suggested Acceptable qualitative risk to property criteria.

Importance Level of Structure (1)	Suggested Upper Limit of Acceptable Qualitative Risk Property (2)	
	Existing Slope (3) / Existing Development (4)	New Constructed Slope (5) / New Development (6) / Existing Landslide (7)
1	Moderate	Moderate
2	Low	Low
3	Low	Low
4	Very Low	Very Low

Figure 3: Extract from AGS 2007 providing the suggested upper limit of Acceptable level of risk.

Table 2: Upper limit of Tolerable risk level, taken as one probability order of magnitude higher than the AGS 2007 suggested upper limit of Acceptable risk as indicated in Figure 3.

Importance Level of Structure	AGS 2007 Suggested Upper Limit of Tolerable Qualitative Risk to Property	
	Existing Development	New Development
1	High	High
2	Moderate	Moderate
3	Moderate	Moderate
4	Low	Low

Table 2 suggests Moderate risk as the upper limit of tolerable risk to inhabited property. For low rise housing, this level of risk is greater than the upper limit set out in the existing schedule to the Yarra Ranges EMO. AGS 2007 provides some context to the nomination of Moderate risk as the upper limit of tolerable risk for low rise, importance level 2 structures:

The recommendation to the regulator that MODERATE risk is tolerable and that LOW (and Very Low) Risk is acceptable for Importance Level 2 and 3 structures is based on the assessment of implied cost impact of damage on most home owners and the fact that most home owners will be risk averse in the light of lack of insurance availability. If insurance was available then an annualised dollar value equivalent to an insurance policy cost would be a reasonable benchmark for acceptability.

This statement is effectively saying that the nomination of Moderate risk assumes the property is not insured against landslide. The tolerable risk to property could feasibly be increased further if insurance were available because the cost of the damage would be equal to the cost of the insurance policy rather than the actual cost of stabilisation and rebuild. However, we note that most home insurance policies do not cover landslide or subsidence unless it is caused by another event such as a storm or earthquake and occurs within 72 hours of the storm or earthquake. Many of the landslides that occur within Yarra Ranges are triggered by rainfall accumulation and changes in groundwater conditions over time, not storms or earthquake meaning insurance would not be available for many of the landslides that occur within Yarra Ranges.

Whilst AGS2007 clearly recommends Moderate risk as an appropriate threshold for the evaluation of risk to property, there is some ambiguity with respect to the statement against Moderate risk set out in the Risk Evaluation Table in Figure 1. Whilst it indicates Moderate risk to property can be tolerated, it recommends measures are implemented to reduce risk to Low. This raises the question as to whether a situation in which there are no practical measures available to reduce the risk from Moderate to Low can be tolerated and in the context of the EMO, whether a development can be approved.

Other planning schemes, for example Colac Otway Shire and the Victorian Alpine Resorts have interpreted Moderate risk as tolerable, including in cases where the risk cannot practically be reduced from Moderate to Low. We agree with this interpretation. Notwithstanding this, where Moderate risk has been assessed, a principle of 'As Low as Reasonably Practical' (ALARP) should apply. That is, if there are practical measures that can be implemented to reduce risk, they should be. In line with ALARP principles, a geotechnical assessment or landslide risk assessment undertaken by a geotechnical practitioner should provide recommendations to reduce risk to as low as reasonably practical. This is in line with the tolerable risk threshold to which their risk assessment is compared and the guidance in AGS 2007 that where tolerable risk has been assessed, measures to reduce the risk should be implemented. Implementation of the recommended measures would then become a condition of the planning permit.

It is recommended that consideration be given to adopting tolerable levels to assess risk to property in line with building importance as set out in Table 2. Under these levels, the risk to property for residential development would have a tolerable threshold of Moderate.

2.2.2 Method of Quantitative Risk Assessment for Risk to Life

The AGS 2007 guidelines recommend that risk to property be assessed qualitatively and risk to life quantitatively. The current EMO schedule provides a threshold for the quantitative assessment of risk to life of 10^{-5} (1 in 100,000) per annum for loss of life of the individual most at risk. This is consistent with criteria provided in other EMO schedules within Victoria and is consistent with the AGS 2007 guidelines for new development. It is recommended that this threshold be retained.

2.3 Geotechnical Reporting Requirements

The requirements for a geotechnical report prepared to assess landslide risk in support of a planning application are technical and unlikely to be readily comprehended by a lay person. It is recommended that the technical requirements be removed from the EMO schedule and included in an incorporated document, referenced by the schedule. An example document is provided in Appendix B. The incorporated document can then be updated separately from the schedule. The schedule should set out the qualifications that are required by a person to prepare a geotechnical report in support of a planning application. The Victorian Government passed the Professional Engineers Registration Bill in 2019, which describes the required competence of engineers practicing within Victoria and the maintenance of a register of persons assessed as competent. In addition to the chartership requirements previously included in the current EMO, registration as an RPEng, registered professional engineer has also been added.

The existing EMO incorporates a tiered approach to geotechnical assessment, which recognizes potential uncertainty in the EMO mapping and seeks to prevent unnecessary more onerous assessment if it is not warranted. The tiered approach allows for an initial basic level geotechnical assessment to be undertaken for all development, with a more onerous landslide risk assessment only undertaken on sites where there are clearly landslide hazards present. This is intended to avoid unnecessary impost on applicants. Notwithstanding this, there are cases that could arise where a particular development does not alter landslide risk and is not otherwise exempt from a permit application. Recognising that the list of exemptions cannot cover every conceivable development that could warrant an exemption, a third initial tier for geotechnical assessment is suggested. This initial assessment provides an opportunity for an applicant's geotechnical engineer to identify cases where there are no landslide or slope stability hazards applicable and a geotechnical assessment is not warranted. Subject to the additional appropriate evidence, this can be communicated in writing without the impost of a full geotechnical assessment. We note that this would apply only in exceptional cases and that for almost all applications within the EMO a geotechnical assessment is expected to be required.

A more onerous landslide risk assessment is required only on sites that have previously been affected by landslide or are exceptionally steep. This is unchanged from the existing requirements.

A clause is also included allowing Council to waive requirements for a geotechnical assessment at their discretion. This is intended to be rarely implemented and would only apply in cases where a development is not specifically exempted by the schedule but is clearly minor and will not alter landslide risk on the site, or where the objective of the works is to address an existing landslide hazard and timely implementation is important.

1. Landslide Hazard Assessment (Subdivision)

The requirements for the assessment of landslide risk for subdivisions are different to those for buildings and works. This is because the consequences of landslide to life or property are not known at subdivision stage and cannot be assessed. Rather, at subdivision stage, landslide hazard assessment (rather than a landslide risk assessment) should be undertaken which seeks to identify hazards that could affect future development within the subdivision and which recommends constraints on development, for example, identifies areas that might not be suitable for a building envelope or provides restrictions on allotment sizes based on capacity for onsite wastewater disposal. The incorporated document sets out the requirements of a landslide hazard assessment in accordance with the requirements set out AGS 2007.

Future buildings and works within the subdivision would be subject to the requirements of the EMO schedule and require a geotechnical assessment or landslide risk assessment which specifically addresses the building and works proposed. These requirements are set out in the following sections.

2. Geotechnical Assessment (New Buildings and Works)

In almost all cases, a geotechnical assessment will be required. The overarching objective of the geotechnical assessment is to assess whether the proposed development could be subject to any significant landslide hazards. The assessment also documents the geotechnical conditions on the site and indicates the landslide hazards the proposed development could be subject to.

In an effort to achieve consistency between geotechnical assessments provided by different practitioners, the incorporated document sets out the minimum information that a report of a geotechnical assessment must contain. These requirements are consistent with guidance provided in AGS 2007. Being set out in an incorporated document, any changes to AGS 2007, or any required changes to the contents of a geotechnical interpretive report can be updated within the incorporated document without the need to alter the schedule to the EMO.

In line with current requirements, the practitioner who prepares the geotechnical assessment must provide a geotechnical declaration form, which is a requirement recommended in AGS 2007. This requires the geotechnical practitioner who assessed the risks to confirm they have viewed the proposed development plans, have assessed the risk to life and property and to confirm (or otherwise) that the requirements to meet tolerable risk in the schedule to the EMO have been satisfied.

Where required, the geotechnical assessment must be accompanied by a landslide risk assessment, which could be included in the same report or appended.

3. Landslide Risk Assessment

The landslide risk assessment includes an assessment of the risk to life and property and an evaluation of the assessed risk to the criteria set out in the schedule. A landslide risk assessment is mandatory on sites where landslide has previously occurred (either mapped in the landslide inventory, or identified by the geotechnical practitioner), or on very steep slopes. It is recommended that the threshold requiring a landslide risk assessment on very steep slopes be altered from what is set out in the current EMO schedule. The current schedule states that with the exception of slopes on Tertiary Volcanics, all sites with a slope angle steeper than 17° (30%) require a landslide risk assessment. We recommend this be increased to 22° (40%) for all geologies except Quaternary Colluvium and Tertiary Volcanics. Comparison between slope angles and

landslides identified and mapped in the Yarra Ranges landslide inventory (Figure 4) indicates that most landslides in the spatially extensive Devonian Volcanics (e.g. Dvf) occur on slope angles in excess of 22°.

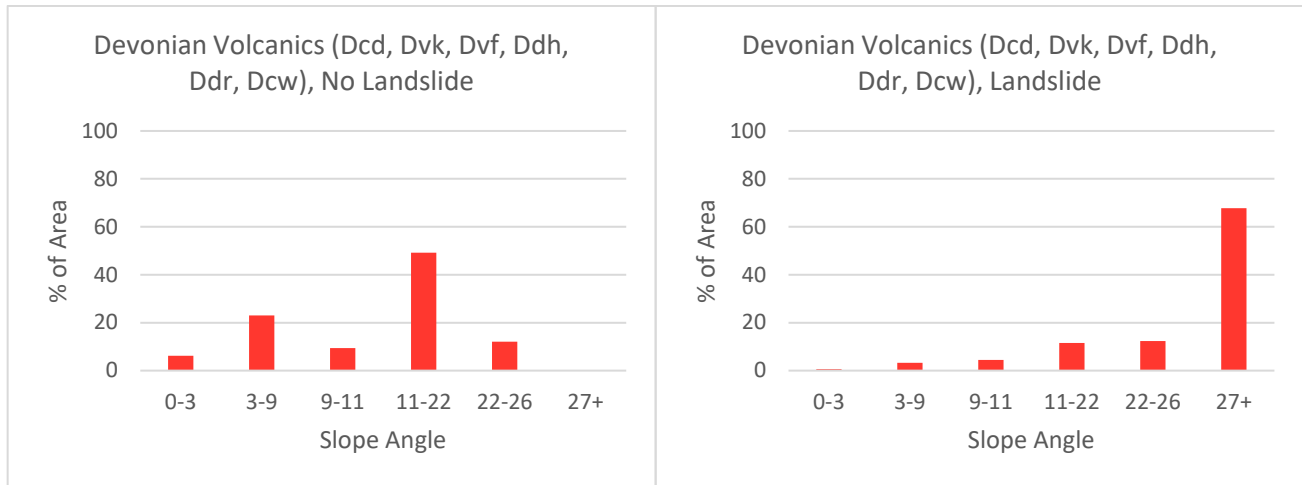


Figure 4: Slope angle distribution in Devonian Volcanics (Dcd, Dvk, Dvf, Ddh, Ddr, Dcw), outside and within mapped landslides

The report of the landslide risk assessment will be required to recommend measures to mitigate identified landslide risks with the aim of reducing the landslide risk to as low as reasonably practical and to at least a tolerable level. Where warranted, the landslide risk assessment could also conclude that the risk associated with the proposed development cannot be practically mitigated to the extent that the proposed development can proceed.

With the objective of achieving consistency between different geotechnical practitioners, the technical requirements for a landslide risk assessment are set out in the incorporated document. The landslide risk assessment must be undertaken in accordance with AGS 2007. Where AGS2007 is updated or superseded, the incorporated document can be amended without the need to update the schedule to the EMO. A geotechnical declaration must accompany the landslide risk assessment in line with current requirements.

3.0 IMPORTANT INFORMATION

Your attention is drawn to the document titled “Important Information Relating to this Report” which is included in Appendix C of this report. The statements presented in that document are intended to advise you of what your realistic expectations of this report should be. This document is not intended to reduce the level of responsibility accepted by Golder, but rather to ensure all parties who rely on this report are aware of the responsibilities each assumes in so doing. We would be pleased to answer any questions the reader may have regarding this document.

Signature Page

Golder Associates Pty Ltd



Darren Paul
Technical Director

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[https://golderassociates.sharepoint.com/sites/166785/project files/6 deliverables/ps134170-005-r-rev0.docx](https://golderassociates.sharepoint.com/sites/166785/project%20files/6%20deliverables/ps134170-005-r-rev0.docx)

APPENDIX A

Example EMO Schedule

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SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO1**.

EROSION MANAGEMENT OVERLAY - SCHEDULE 1

1.0

C217yran

Erosion management objectives to be achieved

To ensure that development can be undertaken at a tolerable risk to human life and property from landslip.

2.0

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Statement of risk

Areas subject to landslip across the Yarra Ranges include the hillsides along the Yarra River valley, the mountains of the Dandenong Ranges and agricultural areas of Silvan, Monbulk and Seville.

The occurrence of landslips within the Yarra Ranges has historically caused damage to property and the environment and presents an ongoing risk to human life. Geotechnical studies have documented historical landslip occurrences and seek to identify areas susceptible to future landslide occurrence.

The control of environmental factors and development relating to vegetation cover, drainage, rock, earthworks, soil disturbance and effluent and stormwater disposal are all important in managing the risk of landslip.

Risk from landslip needs to achieve a Tolerable Risk level to be considered suitable for new development.

Tolerable Risk is a risk within a range that society can live with so as to secure certain net benefits. It is a range of risk that is regarded as non-negligible and requires ongoing review and reduction if possible. The maximum tolerable risk is defined as:

- For loss of life for the person(s) most at risk, it is taken as having a probability of no greater than 10⁻⁵ (1 in 100,000) per annum calculated in accordance with the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007.
- For property loss it is assessed qualitatively using the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007, specifically Appendix C to that document. and the tolerable risk level is selected depending on the new development type in accordance with Table 1.

Table 1 - Maximum tolerable risk to property

New Development Type	Maximum Qualitative Tolerable Risk
Essential facilities, including hospitals, medical and surgery facilities, emergency services facilities, designated emergency shelters and facilities, buildings and facilities containing toxic or explosive materials in sufficient quantity capable of causing hazardous conditions that extend beyond property boundaries.	Low
All other new development, including residential dwellings.	Moderate

3.0

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Permit requirement

A permit is not required to:

- Construct or carry out works associated with:
 - A pond or open, impervious water holding structure with a capacity of less than 5,000 litres.

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- Landscaping water features provided it does not entail ponding of more than 500 litres.
- A domestic rainwater tank with capacity of not more than 4500 litres provided it is constructed at ground level or above.
- A masonry fence, if the height of the fence does not exceed one metre and the fence does not alter surface water drainage.
- A fence of lightweight timber or wire construction, where the fence is permeable or the base of the fence is at least 50 mm above the ground surface and does not obstruct surface water flow.
- A spa and associated mechanical and safety equipment if the spa has a capacity not exceeding 5000 litres and is constructed at or above ground level.
- Construct or carry out earthworks that result in a modified ground surface that is less than 1 metre above or below the natural ground level and does not allow water ponding.
- Extend a building or carry out works, provided:
 - The gross ground floor area is not increased by more than 20 square metres, and
 - Stormwater from the building is drained to a legal point of discharge, and
 - There are no existing earthworks (cut or fill) higher than 1 metre within 5 metres of the proposed extension.
- Construct a building associated with productive agricultural activities provided:
 - The building is constructed of lightweight, flexible materials (not bricks, concrete blocks or similar).
 - The development would result in not more than two such structures existing on the subject property.
 - There are no existing earthworks (cut or fill) higher than 1 m within 5 m of the proposed building.
 - Stormwater from the roof is drained to the legal point of discharge.
- Construct a temporary building used for the storage of building materials and equipment, provided:
 - The building does not exceed 20 square metres in floor area.
 - The building is temporarily located on the subject property for the duration of building construction works allowed or approved under this scheme.
- Construct a retaining wall that:
 - Does not exceed 1 m in height.
 - Is not associated with other building construction works.
 - Does not provide landslip protection for any adjoining land.
 - Is constructed to provide support to existing unsafe earthworks.
- Construct a non-habitable structure ancillary to a dwelling, including carports and garden sheds, provided:
 - The structure is constructed of lightweight, flexible materials (not bricks, concrete blocks or similar).
 - The ground surface area occupied by all such structures on the property does not exceed 40 square metres.

- There are no existing earthworks (cut or fill) higher than 1 m within 5 m of the proposed structure.
- Stormwater from the roof is drained to the legal point of discharge.
- Construct or carry out repair or maintenance works undertaken by or on behalf of a public authority relating to watercourse management, environmental improvements or infrastructure services.
- Remove, destroy or lop vegetation, either separately or as part of building works if any of the following apply:
 - The trunk circumference measured at a height of 1.3 metres above ground level at less than 0.16 metres (Equivalent to a circumference of less than 0.5 metres at breast height) and the natural ground surface is reinstated.
 - The vegetation is within 2 m of a building.
 - The vegetation is dead and the natural ground surface is reinstated.
 - The lopping is for pruning to improve a tree's health or structural stability in accordance with normal horticultural practice for the species involved.

4.0

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Application requirements

The following application requirements apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building or construct or carry out works, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed new development, including as appropriate a site plan, land contours, building elevations, access, cut and fill, retaining walls and effluent disposal system.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks and water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
- For an application to subdivide land, plans drawn to scale and dimensioned, showing as appropriate:
 - The proposed subdivision layout and land contours.
 - Any existing development, including buildings, water tanks and pools or dams on both the subject lot(s) and adjacent land.
 - Any existing earthworks or water infrastructure on the subject lot(s), including cut and fill, stormwater drainage, subsurface drainage, water supply pipelines, sewerage pipelines or effluent disposal installations and pipelines and any otherwise identified geotechnical hazard.
 - Details and location of existing vegetation, including any vegetation to be removed.
- A geotechnical assessment, landslide hazard assessment or landslide risk assessment as required by and prepared in accordance with the Incorporated Document titled 'Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared

in support of a planning permit application under the Erosion Management Overlay (EMO), March 2023' and to the satisfaction of the responsible authority.

- Where, in the opinion of the responsible authority, the application for a subdivision or development will not adversely increase the landslip risk to life or property affecting the subject lot(s) or adjoining or nearby land, a written geotechnical assessment, landslip hazard assessment or landslip risk assessment (as appropriate) is not required.

5.0

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 44.01, in addition to those specified elsewhere in Clause 44.01 and elsewhere in the scheme must be considered, as appropriate, by the responsible authority:

- The risk to human life and property is tolerable.
- The recommendations of the Geotechnical Assessment, Geotechnical Hazard assessment or any Landslide Risk Assessment.
- The need for any ongoing monitoring and maintenance for mitigation measures.

System Note: The following ordinance will be modified in Sub-Clause:72.04 INCORPORATED DOCUMENTS, Schedule:SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

1.0

C217yran

Incorporated documents

Name of Document	Introduced by
13 Green Street, Healesville Incorporated Document, December 2020	c187yran
261 Mount Dandenong Tourist Road, Ferny Creek, Development and Use of Land for a Restaurant and a Caretaker's House, November 2013	C129
30-32 Melba Highway, Yering, July 2016	C160
Amendment L145 to the former Lillydale Planning Scheme (Heritage Golf Course, Hughes Road, Chirnside Park)	NPS1
Amendment L3 to the former Healesville Planning Scheme (15 Healesville-Kooweerup Rd and 16 Airley Rd, Healesville)	NPS1
Amendment L33 to the former Upper Yarra Planning Scheme (Warburton Mountain Resort, Martyr Road, Warburton)	NPS1
Amendment L4 to the former Upper Yarra Planning Scheme (Warburton Chalet, Scotchmans Creek Road, Warburton)	NPS1
Billanook College Master Plan October 2011	C123
Cement Creek Plantation, Cement Creek Road, East Warburton - Statement of Significance, October 2022	C197yranPt2
Chirnside Park Major Activity Centre, Development Contributions Plan, February 2013	C103(Part 2)
Concept Plan – Healesville Mandarin by G Burgess & K Taylor dated February 1989 (Pt CAs 163 & 163A, Maroondah Hwy and Mt Riddell Rd, Healesville)	NPS1
Concept Plan Nos CP-3-5 by Mark Burns, dated June 1996 (140 Yarra Glen Road, Healesville)	NPS1
Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017	C162
Eastern Golf Club Yering, February 2013	C130
Former Lilydale Quarry Comprehensive Development Plan, October 2021 (Amended August 2022)	C213yran

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Name of Document	Introduced by
Healesville Commercial Precinct – February 2015	C131
Kaufland Supermarket and complementary uses, 266-268 Maroondah Highway, Chirnside Park, Incorporated Document, March 2019	GC123
Lilydale Cemetery Incorporated Management Plan (August 2006)	C16(Part 2)
Lilydale Street Trees Incorporated Management Plan (August 2007)	C63
Little Yarra Steiner School Special Use Zone 8 Master Plan Mar 2009	C82
Manchester Road, Mooroolbark Level Crossing Removal Project Incorporated Document, February 2020	GC152
Maroondah Highway, Lilydale Level Crossing Removal Project Incorporated Document, February 2020	GC152
Montrose Intersection Upgrade Project Incorporated Document, February 2022	C200yan
Overall Development Plan by Fulcrum Town Planners dated October 1996 (“The Country Place”, 180 Olinda Creek Road, Kalorama)	NPS1
Permit PS/5416 dated 30 January 1979 and Plan 865AP dated 13 September 1978 by Paul Millar & Associates, modified by Permit PS/8024 and PS/8209 Coldstream Airfield)	NPS1
Plan No C6007 by Plan Printing & Drafting, dated September 1985 (Lilydale Airfield)	NPS1
Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016	GC57
Proposed 10 Year Development Plan 1991-2001, prepared by Michol Design and dated 25 July 1990 (Life Ministry Centre, Old Melbourne Road, Chirnside Park)	NPS1
Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (Yarra Ranges Shire Council, March 2023)	C217yan
Restructure Plan for Old and Inappropriate Subdivisions in the Yarra Ranges Council, April 2021	C177yan
Section 1A of Schedule 2 – Restricted Uses in Chapter 5 (Upper Yarra District) of the former Yarra Ranges Planning Scheme (Little Yarra Road, Gilderoy)	NPS1
St Hubert’s Stables and Wine Cellar (Ruins) Incorporated Plan June 2007	C60
Small Lot Housing Code (Victorian Planning Authority, November 2019)	C203yan
Symons Street Healesville Residential Precinct – February 2015	C131
Yarra Glen Cemetery Incorporated Management Plan (April 2005)	C51
Yarra Ranges Council – List of Environmental Weeds 2019	C148yan

**System Note: The following ordinance will be modified in Sub-Clause:72.08
BACKGROUND DOCUMENTS, Schedule:SCHEDULE TO CLAUSE 72.08
BACKGROUND DOCUMENTS**

1.0

C217yran

Background documents

Name of background document	Amendment number - clause reference
<i>Belgrave Commercial Precinct</i> (Lovell Chen, 2009)	
<i>Brocklesby House Ladies Rest Home</i> (Trevor Westmore, 2009)	
<i>Cave Hill Quarry Conservation Management Plan</i> (Lovell Chen, 2015)	
<i>Cement Creek Plantation, Cement Creek Road, East Warburton Heritage Citation</i> (Extent Heritage Pty Ltd, October 2022)	C197yranPt2 - Clause 43.01
<i>Chirnside Park Urban Design Master Plan</i> (Woods Bagot, September 2010)	
<i>Coldstream Structure Plan</i> (Yarra Ranges Council 2016)	
<i>Conservation of Historic Sites and Structure of Historical and Architectural Significance in the Upper Yarra Valley and Dandenong Ranges Region October</i> (Upper Yarra and Dandenong Ranges Regional Authority, 1978)	
<i>Erosion Management Overlay – Basis for Schedule Amendment</i> (Yarra Ranges Shire Council, May 2023)	
<i>Former Lilydale Quarry Heritage Interpretation Strategy</i> (Lovell Chen & Biosis, 2020)	
<i>Former Lilydale Quarry Integrated Transport Plan</i> (Cardno, 2020)	
<i>Former Lilydale Quarry Integrated Water Management Strategy</i> (Incitus, 2020)	
<i>Former Lilydale Quarry Stormwater Strategy</i> (Incitus, 2020)	
<i>Former Lilydale Quarry Sustainability Framework</i> (WSP, 2020)	
<i>Healesville Structure Plan</i> (Yarra Ranges Council, 2016)	
<i>Lilydale Historic Houses Precinct Methodology and Heritage Precinct Report</i> (Lovell Chen, 2011)	
<i>Lilydale Major Activity Centre Structure Plan</i> (Yarra Ranges Council, 2006)	
<i>Lilydale Urban Improvement Project</i> (Planisphere, 2008)	
<i>Mooroolbark Activity Centre Structure Plan</i> (Yarra Ranges Council, 2011)	
<i>The Bend Heritage Precinct Citation</i> (Lovell Chen, 2011)	
<i>Vision 2020 by Design – A Built Environment Framework for Yarra Ranges</i> (Yarra Ranges Council, 2008)	
<i>Yarra Ranges Shire Council Gambling Planning Policy Framework - Options Paper</i> (Symplan Consulting, 2007)	
<i>Yarra Ranges Shire Council Gambling Planning Policy Framework - Discussion Paper</i> (Symplan Consulting, 2007)	
<i>Yarra Ranges Green Wedge Management Plan</i> (Yarra Ranges Council, 2010)	
<i>Yarra Ranges Housing Strategy</i> (Yarra Ranges Council, 2009)	
<i>Yarra Ranges Activity Centre Network Strategy</i> (Essential Economics, 2012)	

System Note: The following ordinance will be deleted from Clause:44 LAND MANAGEMENT OVERLAYS, Sub-Clause:44.01 EROSION MANAGEMENT OVERLAY

C217yran

SCHEDULE TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

This schedule and schedule sections will be deleted.

APPENDIX B

Example Incorporated Document



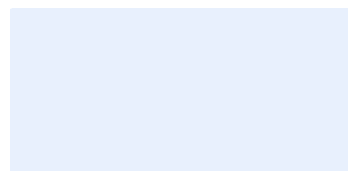
Requirements for a Geotechnical
Assessment, Landslide Risk Assessment or
Landslide Hazard Assessment prepared in
support of a planning permit application
under the Erosion Management Overlay

Yarra Ranges Shire Council, March 2023

YARRA RANGES PLANNING SCHEME

Incorporated Document

This document is an incorporated document in the
Yarra Ranges Planning Scheme pursuant to section
6(2)(j) of the Planning and Environment Act 1987



1.0 INTRODUCTION

This document is an Incorporated Document to the Schedule to Clause 44.0 and Clause 72.04 of the Yarra Ranges Planning Scheme (the Scheme), pursuant to section 6(2)(j) of the Planning and Environment Act 1987 (the Act).

This document sets out the requirements for geotechnical assessments and reporting in support of planning applications required under the provisions of the Yarra Ranges Erosion Management Overlay – Schedule 1.

The documentation described herein is to be prepared by a Geotechnical Practitioner, being an Engineer or Engineering Geologist who has experience in the management of slope stability problems and landslide risk management as a core competence, is degree qualified, and who has current professional status as a:

- Chartered Professional Engineer (CPEng); or
- Registered Professional Engineer (RPEng); or
- Chartered Professional Geologist (CPGeo); or
- Registered Professional Geologist (RPGeo).

There are different assessment and reporting requirements for Subdivision and Buildings and Works, where:

- Subdivision – is a subdivision as specified in the *Subdivision Act 1988*;
- Buildings and works – is Buildings or Works as specified in the *Planning and Environment Act 1987*.

The geotechnical documentation required to inform the assessment of landslide risk for subdivision or buildings and works is set out below. If there is any inconsistency between the specific controls in this document and the general provisions of the Scheme, the specific controls will apply.

2.0 LAND DESCRIPTION

This Incorporated Document applies to all land covered by the Erosion Management Overlay in the Yarra Ranges Planning Scheme.

3.0 APPLICATION OF PLANNING SCHEME PROVISIONS

In the event of any inconsistency between the specific controls contained in this document and the general provisions of the scheme, the specific controls contained in this document will prevail.

4.0 EXPIRY OF THIS SPECIFIC CONTROL

No expiry provisions apply.

5.0 PURPOSE

The purpose of this document is to provide additional detail on Application Requirements to the requirements of Clause 44.01-6 of the Erosion Management Overlay and Clause 4.0 of the Erosion Management Overlay Schedule 1.

6.0 CONTROLS:

6.1 Buildings and works

6.1.1 Assessment Requirements

If the geotechnical practitioner assesses that the site has:

- A slope angle of less than 9 degrees at and within 20 m of the proposed new development; and
- Has not previously been affected by landslide, and;
- There are no credible landslide or debris flow hazards that could affect the proposed development, including debris flow;

a Geotechnical Assessment (as described at 6.1.2) may not be required. However, the Geotechnical Practitioner should provide written advice stating that these requirements have been met. Written evidence should include a site description and evidence to support the advice. Where these requirements have not been met, a Geotechnical Assessment prepared in accordance with the requirements set out in Section 6.1.2 is required.

A written Landslide Risk Assessment prepared in accordance with the requirements of Section 6.1.3 is required in addition to a Geotechnical Assessment if any of the following apply:

- the Geotechnical Assessment or other landform data (a detailed site survey) indicates natural slopes on or immediately adjacent to the subject lot which:
 - are steeper than 11 degrees (20%) in areas underlain by Tertiary Older Volcanics or Quaternary Colluvium; or
 - are steeper than 22 degrees (40%) in all other geologies including the spatially extensive Devonian Volcanics; or
 - exhibit evidence of possible or past landsliding on or immediately adjacent to the site; or
 - the Geotechnical Assessment concludes there are landslide or debris flow hazards affecting the new development that require a Landslide Risk Assessment; or
 - in the opinion of the Responsible Authority, the Geotechnical Assessment is not sufficient to determine that the development can be carried out in a manner which will not adversely increase the landslide risk to life or property affecting the subject lot or adjoining or nearby land.

6.1.2 Geotechnical Assessment

Where a Geotechnical Assessment is required, it must be prepared in accordance with the methodology described below and with reference to the Australian

Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007. The Geotechnical Assessment must be for the development proposed in the application, and include:

- Details of the Geotechnical Practitioner and their qualifications and experience including but not limited to experience in the management of slope instability problems and landslide risk management.
- A statement that the assessment is based on field survey measurements undertaken not more than 12 months prior to the relevant application for development.
- A detailed site description.
- Site assessment plans and cross-sections of the subject lot and relevant surrounds for the area potentially subject to landslide or debris flow hazards. Plans and cross sections are to be based on field measurements, with measured ground slopes shown and drawn to scale and dimensioned. Where applicable, plans should show the areas of the site subject to landslide or debris flow hazards.
- A detailed assessment of subsurface conditions, including the underlying geology.
- A statement indicating whether there are natural slopes on or immediately adjacent to the subject lot which exhibit evidence of landslide potential, or past landslide.
- Relevant entries in the Yarra Ranges landslide inventory.
- Details of all site investigations and any other information used in preparation of the Geotechnical Assessment.
- A statement indicating whether subsurface investigation involving boreholes and/or test pit excavations or other methods is necessary to assess the geotechnical/geological model for the subject lot and details of all such investigations, boreholes, test pits or other methods.
- A statement indicating that in the opinion of the Geotechnical Practitioner, the proposed new development is not subject to significant landslide or debris flow hazards and is not expected to be subject to significant landslide or debris flow hazards over the design life of the development such that a Landslide Risk Assessment (as described in the following section) is not required. Where significant landslide hazards are identified and this statement cannot be made, a Landslide Risk Assessment undertaken in accordance with the requirements of Section 6.1.3 is required and a statement should be made in the Geotechnical Assessment that a Landslide Risk Assessment is required.
- A statement indicating whether or not new development should only be approved subject to conditions, and if so recommend what conditions are required that may be related but not limited to:

- The positioning of buildings and works on site to avoid landslide and debris flow hazards.
- The provision of appropriate footing types and base levels and foundation materials in any structural works, including all retaining walls.
- The location/s of and depth/s of soil and rock cut and fill.
- The construction of any excavations and fill and the method of retention of such works.
- Any details of surface and sub-surface drainage.
- The selection and design of a building structure system.
- Retention, replanting and new planting of vegetation.
- Any effluent drainage and discharge.
- Any necessary ongoing mitigation and maintenance measures and any recommended periodic inspections, including performance measures and thresholds.
- The time within which works must be completed after commencement and the location/s and maximum time period that materials associated with the development can be stockpiled.
- Any requirements for geotechnical inspections and approvals to be incorporated into a construction work plan for building approval.
- Be accompanied by a Geotechnical Declaration and Verification Form (Form A).

6.1.3 Landslide Risk Assessment

A written Landslide Risk Assessment is to be prepared by a suitably qualified and experienced Geotechnical Practitioner in accordance with the methodology set out in the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management 2007. The Landslide Risk Assessment must be for the new development proposed in the application and include:

- A copy of the Geotechnical Assessment prepared for the subject land and proposal and, if not prepared by the Geotechnical Practitioner preparing the Landslide Risk Assessment, contain a response by the Geotechnical Practitioner preparing the Landslide Risk Assessment, agreeing with the findings and conclusions of the Geotechnical Assessment.
- If reported in conjunction with a Geotechnical Assessment, include all the requirements of a Geotechnical Assessment as set out in Section 6.1.2 in addition to those of a Landslide Risk Assessment.
- If the Geotechnical Practitioner preparing the Landslide Risk Assessment does

not support the findings and conclusions of the Geotechnical Assessment for new development, the Geotechnical Practitioner must prepare an additional Geotechnical Assessment.

- An assessment supported by field observations and measurements that have been undertaken not more than 12 months prior to the lodgment of the application for a planning permit.
- A full assessment of the risk posed by all reasonably identified landslide, debris flow and slope degradation hazards which could impact or be caused by the new development and which have the potential to either individually or cumulatively impact upon people or property, in accordance with the AGS 2007 Guidelines.
- An assessment of the risk posed by potential future vegetation removal, including by bushfire or for bushfire protection if it were to be undertaken to the maximum extent permissible under the conditions of any planning permit and under permit exemptions in the Planning Scheme.
- A statement indicating that in the opinion of the Geotechnical Practitioner, the proposed new development can be undertaken such that the risk to life and property does not exceed a tolerable level and will not exceed a tolerable level over the life of the proposed development.
- Be accompanied by a Geotechnical Declaration and Verification Form (Form A)

6.2 Subdivision

Where subdivision is proposed, a Landslide Hazard Assessment should be prepared by a Geotechnical Practitioner in accordance with the methodology set out in the Australian Geomechanics Society Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning 2007. The objective of the Landslide Hazard Assessment is to identify hazards affecting future development within a proposed subdivision and to recommend constraints on subdivision and future development. The Landslide Hazard Assessment should include as a minimum:

- A definition of scope establishing the purpose and scope of the hazard assessment.
- A data gathering / desktop phase assembling relevant data and recording the sources of the data. The Yarra Ranges landslide inventory should be consulted as part of the desktop study.
- Completion of investigations sufficient to establish a geotechnical model, identify geomorphic processes and associated process rates.
- Inspection of the site and surrounds including field mapping of the geomorphic features.

- A landslide inventory map covering the proposed subdivision and relevant surrounding areas and associated information on landslides in the inventory (if available) such as classification, location, time of sliding (if known), volume and a description of validation and limitations of the inventory.
- Landslide susceptibility zoning maps prepared in accordance with the AGS 2007 Guidelines including related information on how susceptibility was determined and a description of validation and limitations of the zoning.
- General commentary regarding the nature of the landslide or debris flow hazards, frequency and potential impacts or consequences and their implications for levels of associated risk.
- Recommendations as to whether the proposed subdivision is viable in its current format and an indication of areas that in the opinion of the geotechnical practitioner:
 - are not suitable for development;
 - are suitable for development subject to constraints or risk mitigation and an indication of those constraints;
 - are suitable for development without constraints;
- Discussion of potential impacts to adjacent land.
- Be accompanied by a Geotechnical Declaration and Verification Form (Form A).

7.0 References

- Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Commentary on Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.
- Commentary on Practice Note Guidelines for Landslide Risk Management 2007, Journal of Australian Geomechanics Society, Vol. 42: No 1, March 2007.

END OF DOCUMENT

APPENDIX C

Important Information

IMPORTANT INFORMATION RELATING OF THIS REPORT

The document ("Report") to which this page is attached and which this page forms a part of, has been issued by Golder Associates Pty Ltd ("Golder") subject to the important limitations and other qualifications set out below.

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YARRA RANGES PLANNING SCHEME

AMENDMENT C217yan

EXPLANATORY REPORT

Overview

This amendment changes the Erosion Management Overlay Schedule by simplifying its structure, creating new exemptions from planning permission for certain buildings and works and altering the tolerable risk criteria from low to medium in certain circumstances.

It does this by amending the current Schedule to the EMO and introducing a new Incorporated Document into the Yarra Ranges Planning Scheme.

Where you may inspect this amendment

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

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

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

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

The amendment can also be inspected free of charge at the Department of Planning and Transport and Planning website at www.planning.vic.gov.au/public-inspection.

Details of the amendment

Who is the planning authority?

This amendment has been prepared by Yarra Ranges Council, which is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to the land in Yarra Ranges covered by the Erosion Management Overlay Schedule 1 (EMO).

What the amendment does

The amendment to the Erosion Management Overlay Schedule 1 (EMO) will simplify its structure, include new exemptions for minor buildings and works and vegetation removal, include separate requirements for subdivision applications and amend the tolerable risk criteria from Low to Medium in

particular circumstances, to ensure the risk provisions in the scheme are consistent with contemporary guidance provided in the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management (AGS 2007).

Specifically the amendment:

- Amends Schedule 1 to Clause 44.01 Erosion Management Overlay.
- Amends the Schedule to Clause 72.04 Documents Incorporated in the Planning Scheme to insert the *Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (Yarra Ranges Shire Council, March 2023)* as an Incorporated Document in the Planning Scheme.
- Amends the Schedule to Clause 72.04 Background Documents to insert *Erosion Management Overlay – Basis for Schedule Amendment (WSP Australia, May 2023)* as a background document in the Planning Scheme.

Strategic assessment of the amendment

Why is the amendment required?

The storm event of June 2021 damaged and destroyed many dwellings in Yarra Ranges, some because of landslip associated with the storm.

According to information collated by Council's Rebuilding Support Service (RSS), the storms were destructive and caused 71 properties to be uninhabitable and a further 51 properties were damaged but still habitable.

Council requested financial assistance to assist with a number of matters arising from the storms including the need to bring forward a review the Erosion Management Overlay (EMO) due to changed land conditions. Council received \$300,000 in grant funding under the National Recovery and Resilience Agency's Preparing Australian Communities Program – Local to prepare the review of the EMO in Yarra Ranges.

Council engaged an expert Geotechnical engineering consultant to review and advise on changes required to the EMO in the Yarra Ranges Planning Scheme. The report also considers the potential impacts of climate change on landslip susceptibility and how this can be factored into decision-making.

A review report has now been provided to Council. The review recommends that changes to the current EMO schedule are required to make it more streamlined and useable and that the risk provisions in the schedule are amended to make them consistent with contemporary guidance provided in the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management (AGS 2007).

Currently EMO Schedule 1 requires an applicant to demonstrate low or very low risk to property to any development whether it be a garden shed or a hospital. Changing the risk criteria means that greater risk would be tolerated for lower impact structures in accordance with the guidance in the Australian Geomechanics Society Practice Note Guidelines for Landslide Risk Management (AGS 2007).

The amendment seeks to update the existing EMO Schedule 1 to increase the number of exemptions from the requirement of obtaining a planning permit and reduces the need for complex and expensive technical reports associated with the submission of a planning permit for applications.

An Incorporated Document is also included in the amendment. This document, titled *Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (Yarra Ranges Shire Council, March 2023)* sets out the requirements for the geotechnical assessment and reporting in support of planning applications required under the provisions of the EMO.

The amendment will result in net community benefit for landowners with the EMO already applying to their land and for landowners affected by the June 2021 storms.

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

The amendment is relevant to objectives of planning in Victoria, as contained in Section 4 of the Planning and Environment Act 1987 by applying appropriate planning controls to areas which are at

risk of landslip in order to protect life and property and enabling appropriate development where required.

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

Environmental

The primary environmental effect of the changes will be to manage the risk of landslip in the affected areas of Yarra Ranges.

Social

The amendment protects life and property in areas at risk of land slip. The amendment will apply appropriate development controls in areas that are affected by landslip and to effectively mitigate against risk to life and property. The new controls create a safer living and working environment for the occupants of the properties concerned and allow for appropriate development where the risk is tolerable.

Economic

The amendment is not expected to have significant adverse economic effects. Inclusion of a site within the EMO generally does not prohibit changes to that site or buildings, but rather requires an application process whereby landslip can be considered and responded to appropriately.

Does the amendment address relevant bushfire risk?

The amendment will not result in any significant risk to life, property, community infrastructure or the natural environment from bushfire. There is no additional bushfire risk that will be caused as a result of the amendment.

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

The amendment complies with the requirements of the Ministerial Direction -The Form and Content of Planning Schemes (section 7(5) of *the Planning and Environment Act 1987*).

The amendment is consistent with the Ministerial Direction No.11 – Strategic Assessment of Amendments pursuant to Section 12(2) (a) of the Planning and Environment Act 1987.

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

The objective of Clause 13.04-2S (Erosion and landslip_ of the Planning Policy Framework is to protect areas prone to erosion, landslip or other land degradation processes. The strategies identified under this objective are to:

- 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.

The amendment supports the implementation of these objectives and strategies for landslip by providing appropriate controls on areas subject to landslip.

The amendment also supports Clause 52.10 (Reconstruction After an Emergency) the purpose of which is to:

- Facilitate the reconstruction of buildings and works damaged or destroyed as a result of an emergency.

- To facilitate the continued use of land for dwellings after an emergency.

How does the amendment implement the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan?

The role of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan is to ensure that planning in the Region continues to protect the special character and features of the Region in accordance with the Principles of Statement of Planning Policy No 3. It is administered under Section 46F of the P&E Act, which prohibits the Minister for Planning from approving any amendment to the Yarra Ranges Planning Scheme that is inconsistent with the Regional Strategy Plan and its key policy directions.

The Regional Strategy Plan applies to all land within the Shire of Yarra Ranges and affects properties with the Erosion Management Overlay. The Regional Strategy Plan was prepared to have regard to matters to enable increased protection for the special features and character of the Region. Areas prone to landslip risk and other erosion processes include many sensitive and characteristic areas of the Region.

The amendment complies with the Regional Strategy Plan by carefully considering land use and potential land use within the Region, including redevelopment and renewal of areas and other matters which should be considered to ensure that the planning of the Region proceeds in the best interests of the Region's residents and the community generally. The amendment is consistent with the intent of the Regional Strategy Plan which seeks to implement more restrictive controls associated with its natural environments and significant landscapes, while balancing social and economic outcomes in Yarra Ranges.

The amendment is specifically consistent with:

Section 1: Preface to the Regional Strategy Plan

Section 2: The Region and its Future

Section 4: Landscape Living Policy Areas

Section 5: Rural Policy Areas

Section 7: Management of Sites of Natural Significance

Section 8: Management of Sites of Cultural Significance

Section 10: Floodplan Management

Section 11: Special Study Areas

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

The amendment is consistent with and supports the Municipal Planning Strategy, particularly Clause 02.03-3 (Environmental risks and amenity) by updating appropriate erosion management measures in areas of known land slip risk.

The controls are being applied in order to protect life and property from the impact of land slip. Clause 02.03-3 states that by recognising and planning for the risks associated with projected climate changes, the adverse effects of water scarcity, bushfire, flood and landslip events will be minimised.

Council's strategic direction is to locate and design development within areas of landslip risk to minimise the potential risk to life and property. The proposed controls assist Council in appropriately responding to the environmental risk and create a safer living and working environment for the occupants of the properties concerned.

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

The Victoria Planning Provisions include the Erosion Management Overlay in its suite of controls. The purpose of this overlay is to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

The amendment is to refine the current Erosion Management Overlay schedule in the Planning Scheme based on a full review of existing controls. The amendment will result in planning scheme provisions that better reflect the land tenure and land use planning objectives for the land.

The amendment makes appropriate use of the Victoria Planning Provisions through the implementation of overlays to appropriately guide use and development of the relevant land.

How does the amendment address the views of any relevant agency?

The views of relevant agencies have been sought through the public exhibition of the amendment, however prior to this, a steering group committee comprising members including staff from DELWP and DEECA were instrumental through the initial processes following on from storm recovery to the preparation of the Erosion Management Overlay review by geotechnical engineering specialists. The exhibition process included notice to referral authorities with information regarding the amendment and making a submission.

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

The amendment does not result in any negative impact on the transport system as defined by Section 3 of the Transport Integration Act 2010. As the amendment reduces the risk of landslip hazards, it is consistent with Section 13 of the Transport Integration Act 2010 which seeks to improve the safety of the transport system.

Resource and administrative costs

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

The amendment is expected to improve the administration of the Yarra Ranges Planning Scheme by providing greater certainty for Council, landowners, developers and the community.

Council has received \$300,000 in grant funding under the National Recovery and Resilience Agency's Preparing Australian Communities Program – Local (PAC) which has been partly used to fund a review of the EMO by a geotechnical consultant.

SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME**1.0****Incorporated documents**48/05/2023 --/--/---
G497yranPt2 Proposed C217yran

Name of Document	Introduced by
13 Green Street, Healesville Incorporated Document, December 2020	c187yran
261 Mount Dandenong Tourist Road, Ferny Creek, Development and Use of Land for a Restaurant and a Caretaker's House, November 2013	C129
30-32 Melba Highway, Yering, July 2016	C160
Amendment L145 to the former Lillydale Planning Scheme (Heritage Golf Course, Hughes Road, Chirnside Park)	NPS1
Amendment L3 to the former Healesville Planning Scheme (15 Healesville-Kooweerup Rd and 16 Airley Rd, Healesville)	NPS1
Amendment L33 to the former Upper Yarra Planning Scheme (Warburton Mountain Resort, Martyr Road, Warburton)	NPS1
Amendment L4 to the former Upper Yarra Planning Scheme (Warburton Chalet, Scotchmans Creek Road, Warburton)	NPS1
Billanook College Master Plan October 2011	C123
Cement Creek Plantation, Cement Creek Road, East Warburton - Statement of Significance, October 2022	C197yranPt2
Chirnside Park Major Activity Centre, Development Contributions Plan, February 2013	C103(Part 2)
Concept Plan – Healesville Mandarin by G Burgess & K Taylor dated February 1989 (Pt CAs 163 & 163A, Maroondah Hwy and Mt Riddell Rd, Healesville)	NPS1
Concept Plan Nos CP-3-5 by Mark Burns, dated June 1996 (140 Yarra Glen Road, Healesville)	NPS1
Document Incorporated under the Schedule to Clause 52.03 (Specific Sites and Exclusions) of the Yarra Ranges Planning Scheme, March 2017	C162
Eastern Golf Club Yering, February 2013	C130
Former Lillydale Quarry Comprehensive Development Plan, October 2021 (Amended August 2022)	C213yran
Healesville Commercial Precinct – February 2015	C131
Kaufland Supermarket and complementary uses, 266-268 Maroondah Highway, Chirnside Park, Incorporated Document, March 2019	GC123
Lilydale Cemetery Incorporated Management Plan (August 2006)	C16(Part 2)
Lilydale Street Trees Incorporated Management Plan (August 2007)	C63
Little Yarra Steiner School Special Use Zone 8 Master Plan Mar 2009	C82
Manchester Road, Mooroolbark Level Crossing Removal Project Incorporated Document, February 2020	GC152
Maroondah Highway, Lilydale Level Crossing Removal Project Incorporated Document, February 2020	GC152
Montrose Intersection Upgrade Project Incorporated Document, February 2022	C200yran
Overall Development Plan by Fulcrum Town Planners dated October 1996 ("The Country Place", 180 Olinda Creek Road, Kalorama)	NPS1

YARRA RANGES PLANNING SCHEME

Name of Document	Introduced by
Permit PS/5416 dated 30 January 1979 and Plan 865AP dated 13 September 1978 by Paul Millar & Associates, modified by Permit PS/8024 and PS/8209 Coldstream Airfield)	NPS1
Plan No C6007 by Plan Printing & Drafting, dated September 1985 (Lilydale Airfield)	NPS1
Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016	GC57
Proposed 10 Year Development Plan 1991-2001, prepared by Michol Design and dated 25 July 1990 (Life Ministry Centre, Old Melbourne Road, Chirnside Park)	NPS1
<u>Requirements for a Geotechnical Assessment, Landslide Risk Assessment or Landslide Hazard Assessment prepared in support of a planning permit application under the Erosion Management Overlay (Yarra Ranges Shire Council, March 2023)</u>	C217yan
Restructure Plan for Old and Inappropriate Subdivisions in the Yarra Ranges Council, March 2022	C197yanPt1A
Section 1A of Schedule 2 – Restricted Uses in Chapter 5 (Upper Yarra District) of the former Yarra Ranges Planning Scheme (Little Yarra Road, Gilderoy)	NPS1
St Hubert’s Stables and Wine Cellar (Ruins) Incorporated Plan June 2007	C60
Small Lot Housing Code (Victorian Planning Authority, November 2019)	C203yan
Symons Street Healesville Residential Precinct – February 2015	C131
Yarra Glen Cemetery Incorporated Management Plan (April 2005)	C51
Yarra Ranges Council – List of Environmental Weeds 2019	C148yan

NATURE PLAN - CONSIDERATION OF COMMUNITY FEEDBACK AND PLAN FOR FUTURE ADOPTION

Report Author: Manager Resilient Environment; Coordinator Biodiversity Conservation

Responsible Officer: Director Planning & Sustainable Futures

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 key objective of the draft Yarra Ranges Nature Plan: *Protecting our Biodiversity Assets 2024-2034* (Nature Plan) is to protect and enhance the natural environment in Yarra Ranges.

The Nature Plan was released for community consultation for an eight-week period in August 2022. A broad cross-section of the community was engaged and provided feedback including 130 unique submissions from individuals, Council Committees, Groups and Organisations. Attachment 4 contains a Consultation Report detailing the community's feedback.

The Nature Plan has been updated (Attachment 1) to reflect the feedback provided during the consultation phase. Key changes include:

- A reprioritisation of existing actions.
- New actions in key areas.
- Improved accountability through clarification of targets and reporting metrics.
- Increased financial investment to support implementation activities.

The loss of biodiversity has reached a critical point and is now being recognised as an urgent concern. Last year, at the United Nations Biodiversity Conference (COP15), a Global Biodiversity Framework was adopted. As a result, our Federal Government has formally announced its intention to set a goal of protecting 30 per cent of our land and 30 per cent of our oceans by 2030.

This 30 x 30 commitment translates to Australia needing to protect an additional 60 million hectares, roughly nine times the size of Tasmania. It is also indicative of a new era of nature reporting unfolding – similar in scope to the mandatory climate reporting that has been introduced this year.

The Nature Plan sets bold targets to reflect Council's strategic priorities of

environmental stewardship and nature protection in line with the goals outlined above. It is an ambitious Plan that will seek funding through future advocacy efforts, key partnerships, stakeholder collaboration, and budget bids.

The Plan creates framework for utilising quality scientific data to underpin evidence-based decisions for natural resource management and climate mitigation activities. The development of the Nature Plan was identified as a major initiative in the Council Plan and a key pillar of the Environment Strategy. The adoption of the Nature Plan has become even more critical with the official declaration of a El Nino weather event this year.

RECOMMENDATION

That Council

- 1. *Note the findings from community consultation and the changes shown in Attachment 4.***
- 2. *Adopt the Nature Plan generally in accordance with the Attachment 1.***
- 3. *Write to submitters to thank them for their engagement and advise them of the outcome of the Council Meeting.***

RELATED COUNCIL DECISIONS

Council endorsed in the Council Plan 2021-25, a major initiative to *'prepare and implement a Biodiversity Plan to support and retain our unique flora, fauna, and ecologies alongside us in healthy landscapes'*. A Protected and Enhanced Natural Environment is also one of the five overarching objectives in the Council Plan.

The Environment Strategy 2015-25 which sets the framework for protection and enhancement of the natural environment in Yarra Ranges, provides the Tier 1 strategic framework for the development of a Biodiversity Plan.

The Council Meeting on 23 August 2022 resolved to release the draft Yarra Ranges Nature Plan: Protecting our Biodiversity Assets 2022-2032 (Nature Plan) and proceed with an eight-week community consultation period.

DISCUSSION

Purpose and Background

Purpose

The purpose of this report is to outline key changes made to the Nature Plan which reflect feedback received during the community consultation process, Sustainable Environment Advisory Committee (SEAC) advice, and to obtain support for endorsement of the final Nature Plan.

Key changes to the Nature Plan include:

- Reprioritisation and enhancement of key actions.
- Clearer definition of targets and reporting metrics.
- Increased financial investment to support implementation of the Nature Plan.

Further details on these changes are outlined in this Report and in Attachment 2 – Summary of Changes.

Background

Biodiversity is under threat, with declines in species and abundance recorded at global, national, and local levels. This was formally acknowledged at the United Nations' Biodiversity Conference (COP15) in late 2022, where Nations, including Australia, agreed to four goals and 23 targets for biodiversity by 2030. The urgency to act swiftly is pivotal, with predictions that intervention in the current decade is the most critical for the future of our natural world.

More locally, Victoria has experienced continued biodiversity loss for two centuries. At least 25 per cent of Victoria's plants, birds, reptiles, amphibians, and mammals, are considered threatened with extinction. Yarra Ranges includes some of the most significant environmental areas in Victoria and natural disasters including the Black Saturday bushfires and June 2021 storm event, where it is estimated more than 25,000 trees were lost, demonstrate the devastating impact these events can have on our biodiversity locally. Accordingly, Council plays a critical role in biodiversity conservation, advocacy, and partnerships. Council-managed bushland areas comprise 550ha of reserves and 403km of roadsides.

Council invests significantly in natural resource management through:

- Weed control programs.
- Incentive programs supporting positive environmental outcomes on private land.
- Undertaking statutory functions as required by the planning scheme.
- Education and partnership with community volunteers focussed on environmental protection.

Council has an important role in biodiversity conservation through several mechanisms including as a delegated responsible authority (regulatory), land manager, through construction and maintenance of community infrastructure and facilities, providing support for environmental volunteers, as well as facilitation, collaboration and advocacy for environmental programs and projects.

Consultation and Council Advisory Committee Feedback

The Nature Plan was released for community consultation during an eight-week period in August 2022. A broad cross section of the community was engaged and provided feedback including 130 unique submissions from individuals, Council Committees, Groups and Organisations.

Advice was received from the following Council appointed Advisory Committees during both the development of the Nature Plan and community consultation period:

- Sustainable Environment Advisory Committee
- Indigenous Advisory Committee
- Rural Advisory Committee
- Disability Advisory Committee
- Youth Advisory Group

The submissions provided throughout the consultation period broadly supported the direction and intent of the Nature Plan, however there was an emphasis on the need for greater investment in the protection and enhancement of the natural environment.

A Consultation Report providing additional detail on the feedback received is contained in Attachment 4.

Options considered and recommendations

1. Reprioritisation

The draft Nature Plan released for community consultation emphasised 18 foundation actions out of the total 52 developed actions included for the Plan's implementation. Community feedback highlighted some key challenges and areas of focus for Council.

In response to this, consideration was given to amending the plan's vision, and re-prioritisation of actions and the addition of new actions, summarised as follows:

- The words 'thriving alongside us' were removed from the vision as it suggests that humanity is separate from nature.
- Increased focus on bushland restoration activities to improve conservation, enhance habitat corridors and support threatened species and habitats.
- Inclusion of advocacy activities relating to the transition of native timber harvesting in the municipality and opportunities for increased biodiversity protection.

- Enhanced backyard biodiversity on private land through expanding the reach of the Gardens for Wildlife program.
- Focus on landowner stewardship, education, and adherence to environmental law, supported by an Environment Officer.
- Strategic development of municipal pest action plans to fulfill our obligations under the *Catchment and Land Protection Act 1994*.
- Enhanced promotion of the Yarra Ranges cat curfew.
- Implementation of sustainable bushfire reduction works which achieve net biodiversity benefit in collaboration with relevant agencies. Incorporation of cultural burning practices to support biodiversity improvements.
- Implementation of catchment-scale, targeted, cross-tenure pest plant and animal control programs at identified locations, collaborating with community and other land managers to achieve broad biodiversity benefit.

Recommendation:

Incorporate new actions and reprioritise existing actions in the Nature Plan, as summarised above, to reflect sentiment of community consultation and improved biodiversity outcomes. This has resulted in a total of 55 actions identified under the Plan, and bolstered strategic alignment with other Council strategies, including the:

- Economic Development Strategy
- Environment Strategy
- Reconciliation Action Plan
- the State Government's Biodiversity 2037 Strategy

Of the total 55 actions, 23 Foundation Actions are summarised in the Nature Plan. These are the strategic actions required to meet our targets under the Plan. The Comprehensive Action Plan (Attachment 3) outlines all strategic and operational actions included in the programs to be implemented under the Nature Plan, with some actions split out using subgroups (A, B, C etc) to provide increased clarity.

2. Improved accountability

The feedback received during the consultation noted that target metrics could be more clearly defined and that the targets could be more ambitious. The options analysed and final recommendations are detailed below. The final targets can be viewed in Attachment 1 – Nature Plan.

Target 1

Target 1: Yarra Ranges achieves an overall 'net gain' of native vegetation cover by 2033.

Ways of strengthening the aspirations of this target were considered through altering the wording from 'achieves' to 'strives for', or from 'native vegetation' to 'vegetation'.

Recommendation:

Retain wording of the original target based on consultation with State Government agencies and strong alignment with existing State Government strategies. 'Net Gain' is considered a stretch target based on current data and regional reporting (*Offsetting Native Vegetation Loss on Private Land*; Victorian Auditor General's Office May 2022). Further clarification of the definition of 'net gain' has been provided in the Nature Plan (Attachment 1) to provide context and clarity for community on this target.

Target 2

Target 2: Triple restoration and revegetation works on private and Council managed land per annum.

Consideration was given to:

- removing 'restoration' and focusing only on revegetation statistics,
- removing 'Council managed' however current budget allocations would not support this increase in output.
- responding to community feedback on increasing investment in bushland management,
- adding an action (see below) with associated budget allocation for bushland restoration.

Recommendation:

Recommend retaining the target wording based on budget constraints, and increase investment in Action 2.4 for bushland restoration, enabling delivery on the target for Council-managed land.

Target 3

Target 3: Increase the conservation value across our Bushland reserve network over the next ten years. Consideration given to addition of percentage increase inclusion in the target (i.e., 5%) or alternative metric within the target wording to make it more explicit.

Recommendation:

Recommend retaining the original target and providing clarity to community on the expectation and metrics for reporting within the body of the Nature Plan.

Target 4

Target 4: Enable at least 200 land stewards to improve the biodiversity on their land each year.

Consideration given to minor amendments to wording for clarity.

Recommendation:

Recommend wording alteration to include explicit reference to council-led programs facilitating biodiversity improvements undertaken on private land. Replace word “enable” with “engage”, to clarify target of active participants in council programs. New target recommended:

Engage at least 200 land stewards in Council-led programs each year to improve biodiversity on their land.

3. Increased financial investment

Feedback through community consultation emphasised the need for further investment for the protection and enhancement of Yarra Ranges’ unique biodiversity. Council’s investment in the Biodiversity and Bushlands portfolios has remained largely unchanged over the last decade. While feedback from the community on increased investment is noted, it is recognised that funding for key actions will need to go through future budgetary processes. Additionally, avenues such as available grant funding will be explored to facilitate the effective implementation of these initiatives, ensuring a thorough and comprehensive approach to resource allocation.

The draft Nature Plan released for community consultation outlined an investment of \$15.8 million over 10 years. Review of this investment post community consultation proposes increasing the investment for the delivery of the plan to \$19.5 million over 10 years.

Recommendation:

That Council note the investment required in the Nature Plan of \$19.5 million over a 10-year period. This investment will enable Council to meet the Nature Plan’s ambitious targets and support proactive improvement of biodiversity outcomes across Yarra Ranges. The Financial Analysis section of this report outlines further details and rationale for the increased financial investment being recommended. Unfunded key actions will undergo evaluation in future business cases, inclusion in budget bids, and exploration of available grants to secure the necessary funding for implementation.

FINANCIAL ANALYSIS

As detailed above, the outcomes from community consultation explored and emphasised that further investment is required for the protection and enhancement of Yarra Ranges’ unique biodiversity. Council’s investment in the Biodiversity and Bushlands portfolios has remained largely stable over the last decade.

Review of the full action plan post community consultation has identified an increased investment for delivery of the Plan at a total of \$19.5 million over 10 years. This investment requirement is above existing operational budget and is currently unfunded. A substantial portion of this investment, \$6.7 million, is anticipated to be sourced from Government or Agency grants, alongside contributions from

philanthropic organizations. The remaining \$12.8 million of the total \$19.5 million is the estimated Council investment required and is currently unfunded. As mentioned above unfunded key actions will undergo evaluation in future business cases, inclusion in budget bids, and exploration of other opportunities to secure the necessary funding for implementation.

A summary of the investment considerations and potential funding contributions is shown in Table 1 below. For the full list of activities proposed over the ten-year plan, see Attachment 3 – Comprehensive Action Plan.

Table 1: Summary of investment considerations and potential funding contributions

	Final Plan Costs				Funding Required	
	Actions	One-Off Investment	Estimated Annual Implementation Cost	Total Cost Estimate	Council Investment	Grant Investment
Theme 1: Landscapes and Ecosystems	13	\$330K	\$134K	\$1.4M	\$1.18M	\$245K
Theme 2: Land Use and Changing Climate	20	\$170K	\$1.09M	\$10.1M	\$7.73M	\$2.33M
Theme 3: Pest Plants and Animals	12	\$70K	\$600K	\$4.97M	\$1.96M	\$3.08M
Theme 4: People and Nature	10	\$40K	\$354K	\$3.01M	\$1.93M	\$1.07M
TOTAL	55	\$610K	\$2.18M	\$19.5M	\$12.8M	\$6.73M
ONLY Year 1 TOTAL	24	\$170K	\$653K	\$823K	\$760K	\$63K
ONLY Foundation Actions TOTAL	27	\$420K	\$1.9M	\$17.2M	\$11.4M	\$5.8M

The Nature Plan outlines an investment approach to include ongoing operational funding and one-off costs above existing resources. Investment sought for Plan implementation will be applied for through existing Council processes, and include business case preparation, in the respective action year. An outline of potential grant or leveraged funding opportunities (e.g., Melbourne Water) would also be included as part of this process.

Existing Council investment

Existing Council investment into the Biodiversity and Bushlands portfolios equates to approximately \$4.5M per annum, with additional contributions made through environmental volunteers equating to an estimated \$2.5 Million per annum (source: DEECA Victorian's Volunteering Naturally reporting). Council's investment into these business areas has remained largely unchanged over the last decade. The actions within the plan attributed to existing resources are within the current \$4.5M Biodiversity and Bushlands Teams budgets with no assumption of increase over the 10-year implementation period.

Year 1 Forecast

The forecasted budget total for Year 1 actions under the Plan is \$823,000, with \$63,500 expected from grant funding and the remainder requiring Council Investment (see Table 1 above). The specific actions for Year 1 are outlined in Attachment 5 – Year 1 Nature Plan Activities Overview.

10-year Nature Plan Forecast

Table 2 below outlines the estimated investment forecast over the 10-year Plan period. Detailed are the Foundation Actions, Total Actions and the break-down of estimated grant funding and Council investment required for the total 55 actions.

Table 2: Ten-year forecast expenditure for implementation of the Nature Plan

Table 2. 10-year Forecast	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Foundation Actions	\$0.8M	\$1.5M	\$1.8M	\$1.8M	\$1.9M	\$1.9M	\$1.9M	\$1.8M	\$1.9M	\$1.9M	\$17.2M
All Actions	\$0.8M	\$1.6M	\$2.0M	\$2.0M	\$2.1M	\$2.1M	\$2.2M	\$2.2M	\$2.2M	\$2.3M	\$19.5M
Council Investment (Total Plan Actions)	\$0.76M	\$1.1M	\$1.3M	\$1.3M	\$1.3M	\$1.4M	\$1.4M	\$1.4M	\$1.4M	\$1.4M	\$12.7M
Grant Funding (Total Plan Actions)	\$63K	\$465K	\$700K	\$700K	\$768K	\$793K	\$796K	\$796K	\$796K	\$853K	\$6.7M

APPLICABLE PLANS AND POLICIES

The *Council Plan 2015-25*, outlines as a major initiative for the development of a Biodiversity Plan with an objective of a Protected and Enhanced Natural Environment.

The Council Vision reflects the high value of the natural environment.

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

The Environment Strategy 2015-2025, with a vision of,

'We are dedicated to making Yarra Ranges a place of thriving communities, at home in healthy landscapes.'

The six (6) goals of the Environment Strategy directly relate to the draft Nature Plan.

Other strategic links include:

- Health and Wellbeing Plan 2021-2025.
- Reconciliation Framework for Action 2013-2023
- Liveable Climate Plan 2020
- Municipal Emergency Management Plan 2021
- Recreation and Open Space Strategy 2013-2021
- Economic Development Strategy 2022 - 2032
- Yarra Ranges Planning Scheme 2023

The final Nature Plan positions Council action within a broader context, by referencing appropriate State Government Legislation and International Protocols, including:

- Australia's Strategy for Nature 2019-2030
- Protecting Victoria's Environment - Biodiversity 2037
- Yarra Strategic Plan (Burndap Birrarung burndap umarkoo) 2021-31
- Port Phillip and Westernport Regional Catchment Strategy 2021-27
- Victorian Deer Control Strategy 2020
- Healthy Waterways Strategy 2018-28

RELEVANT LAW

Components of the draft Yarra Ranges Nature Plan respond to Council's role as delegated authority under the *Planning and Environment Act 1987*. Council also has responsibilities as landowner and manager of freehold land within the municipality under various acts including the *Catchment and Land Protection Act 1994*, *Environment Protection Act 2017*, *Environment Protection and Biodiversity Conservation Act 1999*, *Flora and Fauna Guarantee Act 1988* and *Flora and Fauna Guarantee Amendment Act 2019*. Council also has obligations related to climate action under the *Local Government Act 2020* and the *Climate Change Act 2017*.

The Nature Plan and community consultation plan was reviewed by Council's gender equity team and recommendations provided valuable input into the final structure, breadth and types of consultation undertaken. Consideration of access and equity under the *Gender Equality Act 2020* has been made and will be applied in the development of programs and project delivery, including the preparation of Gender Impact Assessments.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The biodiversity outcomes supported by this investment will also have a positive economic impact on local tourism-based economies which rely on the natural environment for their business income. The opportunity cost of not increasing investment over the Draft Plan proposition is the potential degradation of highly valued biodiversity assets, including the Dandenong Ranges, upper reach of the Birrarung (Yarra River catchment) and the peri-urban context which provide a natural 'green playground' for Melbournians who frequent the Yarra Ranges

Actions focussed on regenerative land management practices and collaborative threat management on private land support a strong agricultural sector, which benefits the productivity of the land and environmental values. The Nature Plan will support improved program delivery in the Climate and Nature Team and the ability to ensure cost effective action is prioritised. The Nature Plan will also provide a solid platform for attracting funding opportunities for investment in biodiversity protection – with a conservatively estimated 35 percent of the plan potentially eligible for external grant funding. Additionally, supporting the health of Yarra Ranges biodiversity will have a positive economic impact on local tourism-based economies which rely on the natural environment for their business income.

Social Implications

Community and social wellbeing are important contributors to the success of the Nature Plan, none more so than through the sustained and invaluable contributions of our environmental volunteers. Reporting from DEECA identified annual contribution of environmental volunteering in Yarra Ranges equates to \$2.5 Million, significant when compared to operational budget allocation for bushland management. Community consultation highlighted the value of connection to nature, which is also acknowledged in the Health and Wellbeing Plan.

A protected and enhanced natural environment provides a suite of benefits to the communities of Yarra Ranges.

Environmental Implications

Climate change has resulted in an increased rate of extinctions of flora and fauna species at global, national, and local levels. This has been acknowledged through the significant goals and targets set at the United Nations' Biodiversity Summit, COP15, identifying the significant action required to address the global biodiversity crisis. The Federal Government is overhauling environmental laws and establishing a Nature Positive market, which will further drive protection and enhancement of biodiversity, along with propelling investment in the space from the public and private sector. The natural environment has intrinsic value which warrants protection, combined with the risks to community health and wellbeing from a declining natural environment being well documented and likely to exacerbate under a changing climate.

Environmental considerations are at the forefront of the Nature Plan. The actions seek to deliver benefit to the natural environment with many actions enabling Council to build resilience for the projected changes in local climatic conditions. Actions specifically respond to urban heat island effect through increased tree planting, Traditional Owner connection to Country, equitable access to natural open space for community, education programs for capacity building and knowledge of biodiversity, community wellbeing and environmental sustainability.

The ability to proactively improve biodiversity outcomes is particularly important as the effects of climate change accelerate the negative impacts on global biodiversity. Investment into biodiversity will benefit the whole community and proactive action is required to make meaningful positive impact. The Final Plan investment enables Council to contribute to building resilience for the projected changes in local climatic conditions throughout the municipality. Acting early also mitigates the potential for further environmental damage and the associated costs.

COMMUNITY ENGAGEMENT

Over the eight-week consultation period for the Nature Plan, we heard from a broad cross-section of community. Our Shaping Yarra Ranges page was visited 1,506 times and the Nature Plan was downloaded 646 times. There were 71 contributions from 54 unique contributors to the Shaping Yarra Ranges page, with an additional 76 contributors resulting from in person engagement events and submissions via direct email.

Demographic information was collected (gender, age bracket and suburb) from the submitters, where possible. Whilst data was incomplete for many submitters (i.e., gender and suburb provided but not age, or only suburb provided), analysis provided some useful feedback on diversity and reach of the consultation undertaken.

A detailed breakdown of the community consultation and resultant feedback can be found in Attachment 4 – Consultation Report. To provide further clarity to community on the key content of the Nature Plan, we have prepared a summary document to use for promotion and community education which will be published on the Shaping page of the Nature Plan (Attachment 6 – Nature Plan Summary).

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The Council appointed Advisory Committees were consulted directly during the community consultation period of the Nature Plan where feedback from members was obtained and incorporated into summary feedback outlined herein. Members of these committees promoted the consultation period within their community networks to increase engagement and interaction with the consultation.

The Sustainable Environment Advisory Committee (SEAC) played a key advisory role, with a special interest Biodiversity sub-committee formed, meeting several times during the development of the Nature Plan, during and post the consultation period to discuss the content, key actions, and feedback from the broader community. The majority of feedback from this highly engaged group was incorporated into the final Nature Plan. Some limitations on incorporating all changes recommended included misalignment with established Council strategies and policy, or lack of consensus amongst committee members.

A targeted agency and natural resource management professionals feedback session was held during the consultation, with high participation and attendance representing 14 organisations. This session identified the strong links between strategic documents across these organisations and opportunities for further strengthening through implementation.

The Nature Plan contains an annual review and monitoring process, to report on progress towards the targets. A process of adaptive management is embedded into the annual review, to allow agility in our program design and delivery to maximise biodiversity benefit, leveraging of funding and progress towards the vision. A commitment to monitoring during implementation of the Nature Plan is considered a critical component to ensure activities are achieving desired outcomes.

RISK ASSESSMENT

The risks to Yarra Ranges of inaction on environmental degradation and loss are numerous and interconnected, spanning ecological, economic, social, and regulatory areas. There are also long-term implications for the wellbeing and sustainability of local communities. This Plan adopts a proactive approach to protect and restore biodiversity, not only to meet our legislated responsibilities, but crucial for the long-term resilience of the Yarra Ranges region.

Failure to respond urgently to the impending and increasing threats brought by a changing climate such as longer fire seasons, increased heat waves, heavier rainfall, and the overall intensification of extreme weather has the potential for catastrophic consequences including:

- Damage to assets, inclusive of our natural assets
- Less days for fire mitigation
- Increase in heat related mortality for people and wildlife.

The June 2021 storm, where approximately 25,000 trees fell in a single day, serves as an indication of what may unfold in the coming years. This event foreshadows a potentially dire future with severe implications for both human communities and the natural world. The Nature Plan supports mitigation in this by enhancing our natural assets through proactive activities that boost resilience, actively supporting the connection and integration of indigenous knowledge into Council land management practices and empowering the community to act as nature stewards.

Federal and State Government legislation and policy dictates and directs Council action on biodiversity conservation, with opportunity for localised action often influenced by higher order policy. The Nature Plan ensures Council's legislative obligations are met while advocating for greater resourcing for biodiversity action within the municipality by other tiers of government. This plan provides a strategic framework for alignment with the current review of Federal environmental law, the Federal Government's Nature Positive Plan, and forthcoming Nature Repair Market.

Council reputational risk is also a consideration. The community has articulated a strong vision of a protected and enhanced natural environment. Council is also afforded the unique position of highly valued biodiversity assets, with the Dandenong Ranges, Upper reach of the Birrarung (Yarra River catchment) and the peri-urban context providing a natural 'green playground' for Melbournians who frequent the Yarra Ranges.

The Nature Plan identifies a suite of actions which are currently listed as seeking investment; primarily through State Government agencies, which does not guarantee the level of investment identified. Ensuring close alignment with strategic documents will increase the likelihood of success with funding applications. Council's Advocacy Officer will also promote the key priorities identified in the Nature Plan at appropriate levels of government.

CONFLICTS OF INTEREST

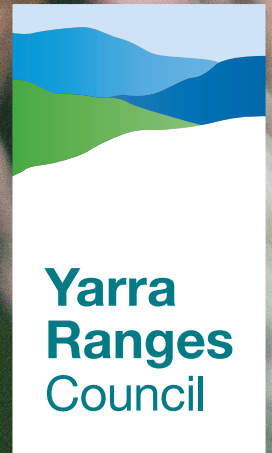
No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

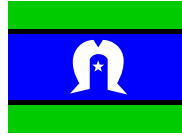
ATTACHMENTS TO THE REPORT

1. Nature Plan 2024-2034: Protecting our Biodiversity Assets
2. Summary of Changes Document
3. Comprehensive Action Plan
4. Consultation Report
5. Year 1 Nature Plan Activities Overview
6. Summary of Final Draft Nature Plan

Yarra Ranges Council Nature Plan 2024–2034

Protecting Our Biodiversity Assets





Acknowledgment 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.

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Indigenous Partnerships for Nature

As the story of Waa the crow frames our commitment to Reconciliation through local culture and Lore, it also reminds us of our responsibility and accountability to Country and to all who reside on this land. Connection to Country speaks of an immersion in the whole, a fully connected landscape, a universe with an awareness of self, together with every element in the natural world. A connection Indigenous peoples have experienced for tens of thousands of generations.

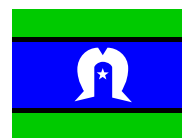
For at least 35,000 years, the Wurundjeri have inhabited, cared for, danced on, and sung to the lands that lie within the inner city of Melbourne, north to the Great Dividing Ranges, east to Mt Baw Baw, and south to Lysterfield and Belgrave South. Extending to a small area of Bunurong Country in the south, and including Taungurung Country in the north-east, Yarra Ranges is nestled within an area within which the Creator spirit Bunjil (the Wedge Tailed Eagle) watches over and guides us as a community. A community on the Ancestral lands of the Wurundjeri of which their ways of Knowing, Being, and Doing were and always have been unmatched as a model for environmental sustainability and meticulous care.

However, Country is sick and its biodiversity is under threat like no time in the past. Restoring its health is urgently needed for both the land itself and the health and wellbeing of those who reside here. Land management practices through colonisation have drastically altered the natural ecosystems to a point exceeding their capacity to respond to the pressure they are placed under.

Restoration of the systems that we rely on to survive can only be achieved through applying the cultural values of Respect, Caring, and Sharing to provide people, land, and culture connection that shows us with a pathway to transform the way we function.

This Nature Plan reframes our connection to nature, to Country, and provides a platform where we are all custodians with an accountability to respectfully integrate Indigenous ways of Knowing, Being and Doing so that we may all walk in harmony on this land, at one with all that exists.

Yarra Ranges Council Indigenous Development Team



Vision

“Yarra Ranges is a place of healthy, resilient and connected natural living landscapes. Our community actively care for and feel a deep connection to nature.”



Mayors Message



The natural environment of Yarra Ranges is unique, highly valued by our community and pivotal to the character of the region. In all corners, there are passionate and dedicated groups, working tirelessly to care for, preserve and enhance our natural environment. Our community has a strong connection and commitment to place, with a long legacy of care and protection through Traditional Custodians, the Wurundjeri People and other Kulin Nations, continuing through to this day.

Now, more than ever, we know that protecting our environment — the people, flora and fauna that call it home — is crucial for our society. This plan is Council's commitment to protecting biodiversity, outlining the programs, targets and actions to achieve this outcome. It shows what we'll do as Council, how we'll work with our community to create a healthy, resilient and connected natural landscape and how we will advocate and partner with agencies and other levels of Government.

While we have direct responsibility for a small portion of our landscape, our role in sharing knowledge with others and supporting our community to do their part for biodiversity is equally important. In many ways, our community are leading the way on this – our environmental volunteers and community champions are exemplars of environmental stewardship and will be an integral part of this work.

We look forward to partnering with our community to make our natural environment the best it can be for now and for generations to come.

Cr Sophie Todorov,
Mayor of Yarra Ranges

Glossary of Terms

Adaptive management	Involves implementing a management strategy, closely monitoring its effects and then adapting future actions based on the observed results.
Advocacy	Activities and actions by an individual or group (i.e. council) that aims to influence decisions within political, economic, and social institutions.
Biodiversity	This is the variety of all life forms; the different plants, animals and microorganisms, the genes they contain and the ecosystems of which they form a part.
Biolinks	Biolinks, also known as 'wildlife corridors' aim to links separate habitat patches to support biodiversity. This is achieved by enhancing or restoring the biodiversity within habitat zones identified across the landscape (in this case Yarra Ranges Council municipality) to provide space for species (and ecological communities) to self adapt their distributions and abundances under changing climates through natural processes including: dispersal; re-colonisation; regeneration and restoration of ecological function.
Bushland reserve	Council-owned reserves which contain native or indigenous flora and fauna. Vegetation is usually remnant and has never been cleared, although some bushland reserves have arisen from revegetation using indigenous species. Bushland reserves form part of the broader natural resource area system of environmental assets that Council manages.
Citizen science	The collection and analysis of data relating to the natural world by members of the general public.
Conservation status	Refers to the value ascribed to Bushland sites that are monitored by Council. These are ranked by their attributes (i.e. presence of threatened species or communities), prevalence of invasive species and other metrics on a consistent scale.
DEECA	The Department of Environment, Energy and Climate Action is the Victorian Government department responsible for environmental matters and legislation at the state level.
Ecological communities	A group or association of populations of two or more different species occupying the same geographical area at the same time, often reliant upon each other for survival in complex and interconnected relationships.
Ecosystem	All the organisms (including plants and animals) present in a particular area together with the physical environment with which they interact.
Ecosystem collapse	Refers to a situation where an ecosystem suffers a drastic, possibly permanent, reduction in carrying capacity for all organisms., This can result in mass extinction events and/or initiate novel ecosystems.

Fragmentation	When parts of a habitat are destroyed, leaving behind smaller unconnected areas.
Habitat corridor	Pathways of natural or created habitat within larger areas that have been developed by humans, either farmed or urban development. Habitat corridors attract wildlife and act as safe passages for wildlife between neighbouring natural areas. Corridors often occur along creek riparian zones that run through urban areas and across farmland however can also encompass road reserves, railway lines and other linear easements.
Indigenous flora/fauna	Plants (including trees, shrubs, herbs, and grasses) or animals (including mammals, birds and insects) that occur naturally in the local area, a local native plant/animal.
Invasive species	An introduced, non-local or over-abundant species in a given area that is causing damage to the natural environment and/or driving negative change to that ecosystem.
Landcare	Landcare Australia is the name for a community not-for-profit organisation which involves local groups of volunteers repairing the natural environment. Yarra Ranges Council has a number of registered Landcare networks and affiliated groups.
Longitudinal monitoring	Systematic collection of data from sites, gathered over regular time intervals in order to document change and long-term trends over time.
MW	Melbourne Water is the agency responsible for integrated water management, waterways and catchment management for the Melbourne region.
Native vegetation	Plants (including trees, shrubs, herbs, and grasses) that are indigenous to a particular site.
Nature	All components of the natural world that are not made by humans.
Resilience	The capacity of an ecosystem to respond to disturbance or impact by resisting damage and recovering quickly.
Restoration	The return of a community to its pre-disturbance or natural state in terms of abiotic (non-living) conditions, community structure and species composition.
Revegetation	Replanting indigenous vegetation in either restoration or rehabilitation programs (infill planting or greenfields).
Ribbons of Green	Council biodiversity incentive program where landowners can undertake Council supported revegetation projects on private land.
Statutory Planning	The assessment of planning permit applications for new development proposals and changes to land use activities under the Planning and Environment Act 1987.
Stewardship	Stewardship is an ethical value that embodies the responsible planning and management of resources as they relate to the natural environment.
Strategic planning	The process by which an organisation, such as a local government, determines its vision for the future and how it will deliver that for the community.



Executive Summary

Nature is under threat, with declines in species diversity and abundance acknowledged at global, national and local levels. The urgency to act swiftly is vital, with predictions that intervention in the current decade is critical for the future of our natural world.

The Yarra Ranges natural environment supports a diverse suite of ecosystems, species and critical habitat for threatened species. The four themes of this plan, identified using evidence-based research and science, are outlined below:

1. Landscapes and Ecosystems: Understanding local biodiversity enhances resilience and connectivity, enabling ecosystems to flourish.
2. Land Use and Changing Climate: Best practice land management through integrated planning and stewardship.
3. Pest Plants and Animals: Managing pest plants and animals to reduce their impacts.
4. People and Nature: empowering community to connect with culture and nature.

These themes underpin our targets and objectives, and the actions we will take to meet them.

Much of our action plan focuses on mitigating threats - including habitat loss, pest animals and weed invasion, development pressure, stormwater impacts, bushfire and extreme weather events, many of which will increase in a changing climate.

Key steps towards this will include:

- A Biolinks Plan, the roadmap for re-connecting habitat through our landscape.
- Expanding our biodiversity extension programs and providing our community access to education, advice, support and incentives to get involved.
- Monitoring programs to ensure our environmental decisions are evidence based and adaptive.
- Embedding indigenous cultural practices into how we manage our natural environment.

Critical to the success of this plan is collaboration, as our community, agency partners and other land managers share responsibility for protection and enhancement of our natural environment.

Council is committed to regularly reviewing progress against our targets and reporting to our community.

All of this will progress us towards our vision of a healthy, resilient and connected natural living landscape.

Defining Nature & Biodiversity

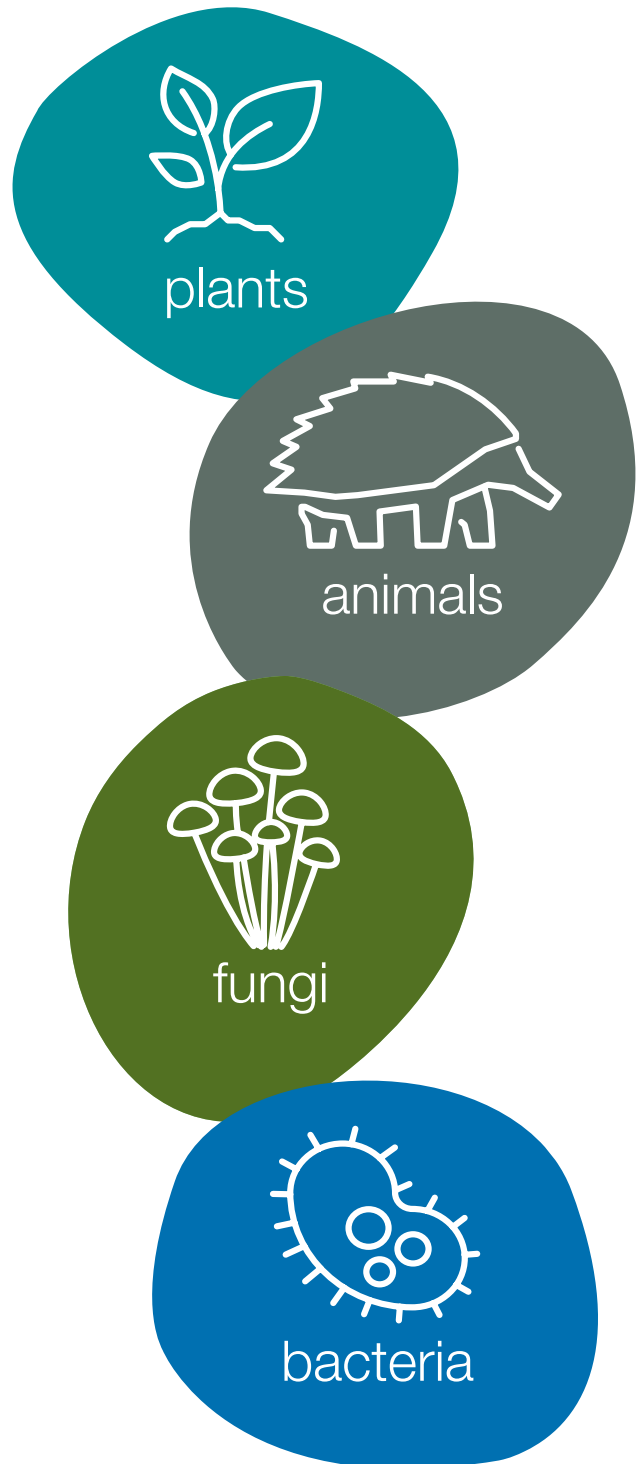
Nature defines our natural world of plants, animals, fungi, and bacteria along with the ecosystems they are part of, and the ecological processes they sustain.

The natural world is intrinsically valuable along with providing ecosystem services by regulating air quality, moderating the climate, cycling water, generating soils, recycling nutrients, controlling population densities of pests and diseases and supporting pollination, critical for our food systems.

Biodiversity ‘bio’ meaning life and ‘diversity’ meaning variability.

The variety of all living things, their genetic information and the ecosystems they form.

Biodiversity describes the genetic diversity within the organisms, populations and species and the diversity within and between the ecosystems that provide habitat for all life forms. Biodiversity has many attributes, which can be measured and conserving this in our ecosystems is essential to provide the resilience and adaption to the environmental crisis of climate change.



What is Council's Role?

Council has a broad role to play in the management of the natural environment, along with supporting community to increase their environmental stewardship, it works to build resilience against a changing climate.

Significant investment currently occurs in natural resource management through weed control programs, incentive programs for private land, undertaking statutory functions as required by the planning scheme and education of, and partnership with, community volunteers focussed on environmental protection.

CONTROL

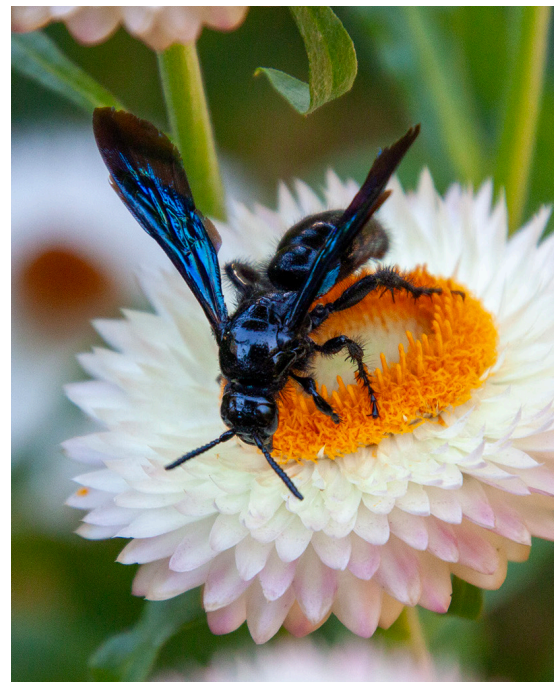
- 2% of municipality, bushland reserves and roadsides
- Council-managed works
- Communicating with community
- Data collection and maintenance
- Local Planning Scheme

INFLUENCE

- Private land conservation, protection and enhancement
- Community education programs
- Cross tenure programs, projects and collaborations
- Citizen science

ADVOCATE

- Advisory committee and working group representation
- Attract funding to our region
- Submissions and advocacy to State/Federal Government



Legislative Context

Federal



Environment Protection and Biodiversity Conservation Act 1999

Climate Change Act 2017

State



Victorian Wildlife Act 1975

Environment and Protection Act 2017

Planning and Environment Act 1987

Catchment and Land Protection Act 1994

Flora and Fauna Guarantee Act 1988 and Fauna Guarantee Amendment Act 2019

Local



State Environment Protection Policies (Waters of Victoria)

Yarra Ranges Council Plan 2021–2025

Local Government Act 2020

Yarra Ranges Council Environment Strategy 2015–2025

Victorian Planning Provisions (Local Planning Policy Framework)

Yarra Ranges Council Nature Plan Protecting our Biodiversity Assets

Strategic Links

Given the land over which Council has direct control, our role as advocate, educator, collaborator, and influencer in biodiversity conservation is critical for the delivery of this plan.

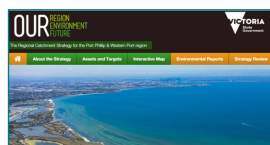
Through strong partnerships with government and agencies, this plan will link to other environment and biodiversity strategies, strengthening the delivery of mutual objectives.



Australia's Strategy for Nature 2019-30



Protecting Victoria's Environment: Biodiversity 2037



PPWCMA Regional Catchment Strategy 2021-27



Yarra Strategic Plan (Burndap Birrarung Burndap umarkoo) 2022-32



Victorian Deer Control Strategy 2020



Eastern Region Pest Animal Network Pest Animal Strategy



Healthy Waterways Strategy 2018-28



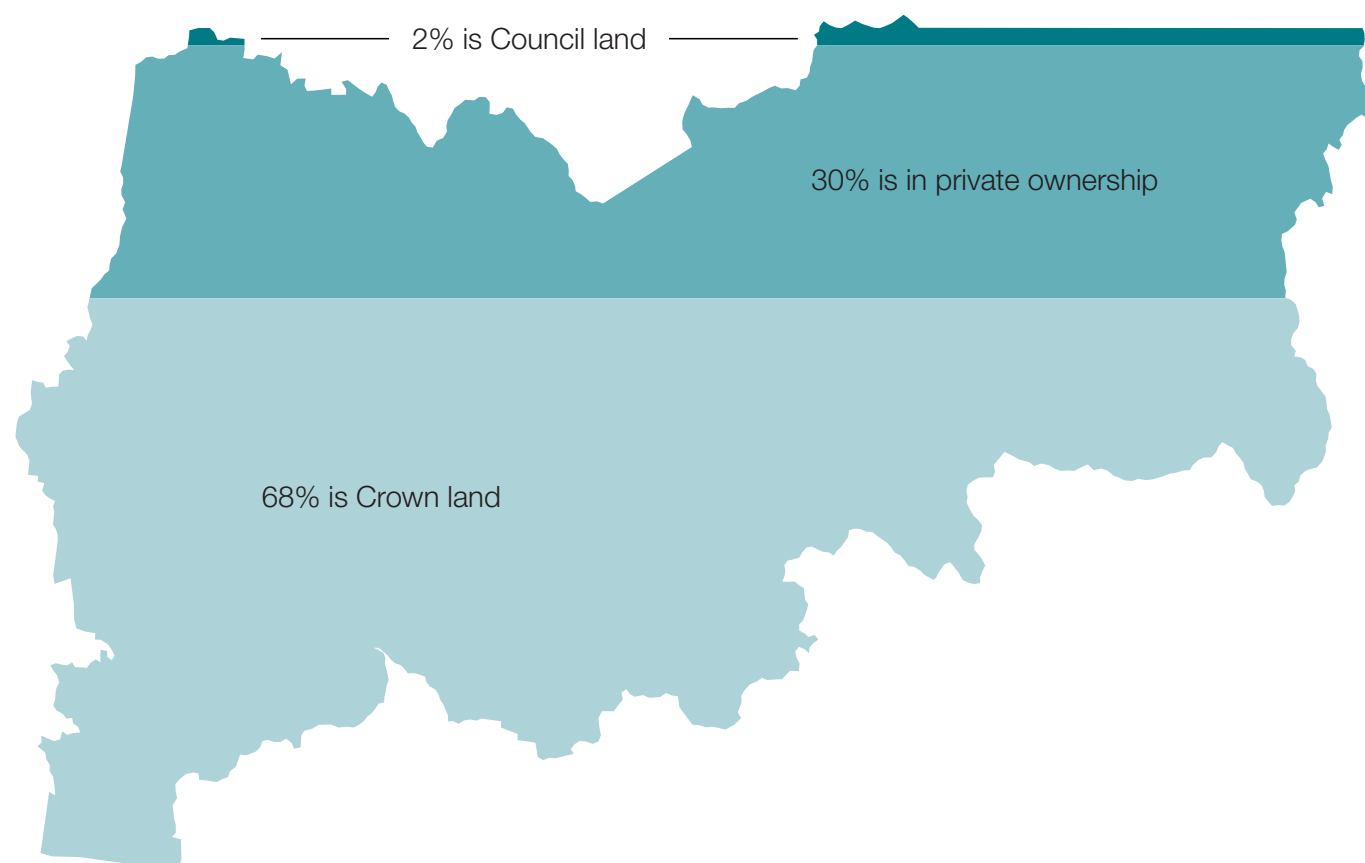
Yellingbo (Liwik Barring) Landscape Conservation Area Plan



Parks Victoria Land Management Plans

What Makes Yarra Ranges Special?

Yarra Ranges is the largest municipality in Greater Melbourne by area, covering a total area of 244,700 ha. As managers of only two percent of the municipal area, Council has a significant role in advocacy and partnerships in biodiversity conservation.





63%
parkland



5%
residential
land



31%
primary
production

Primary production encompasses agriculture, horticulture and viticulture with tourism being a crucially important industry to the area.

Programmed sites of bushland management:



550ha
of reserves



403km
of roadsides

Yarra Ranges is part of the lands under the custodianship of the Wurundjeri people of the Kulin Nation and supports some of the most significant environmental areas in Victoria. These include the iconic Mountain Ash forests of the Dandenong Ranges and Central Victorian Highlands.

Native vegetation is home to iconic species such as the Powerful Owl, the Helmeted Honeyeater and Leadbeater's Possum. Our municipality supports 188,000 hectares of native vegetation and is home to at least 1790 native flora and 968 native fauna species.

The upper half of the Yarra River and its tributaries support a diverse range of plants and animals including significant populations of platypus, frogs and fish. These waterways and key water reservoirs such as O'Shannassy, Upper Yarra, Maroondah and Silvan, provide about 70% of Melbourne's drinking water.

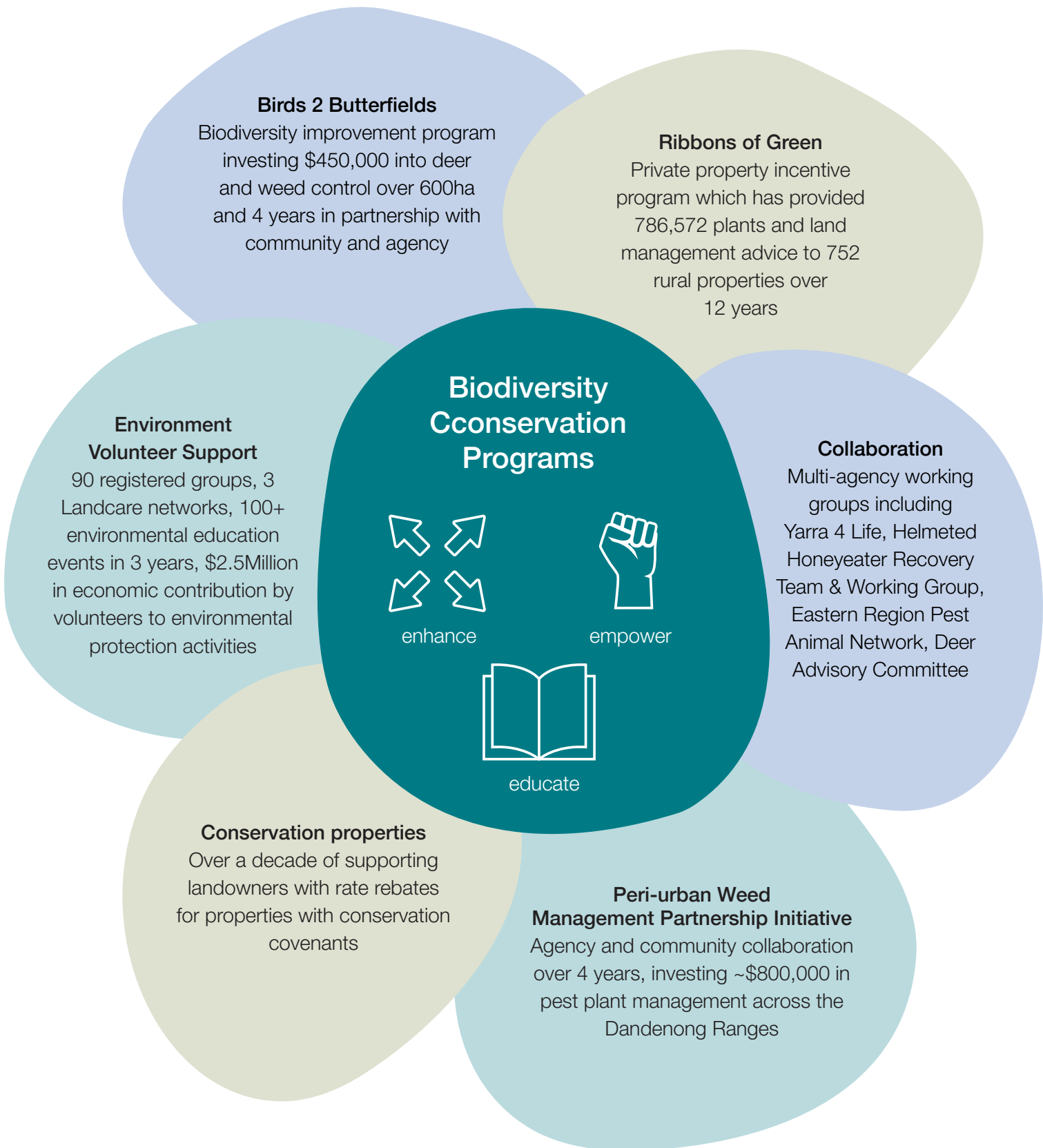
The natural environment, including scenic rural valleys and forested mountains are features which draw many people to live, work and play in the Yarra Ranges.

As managers of only 2% of the municipal area, Council has a large role in advocacy and partnerships in biodiversity conservation.





Key Achievements to Date



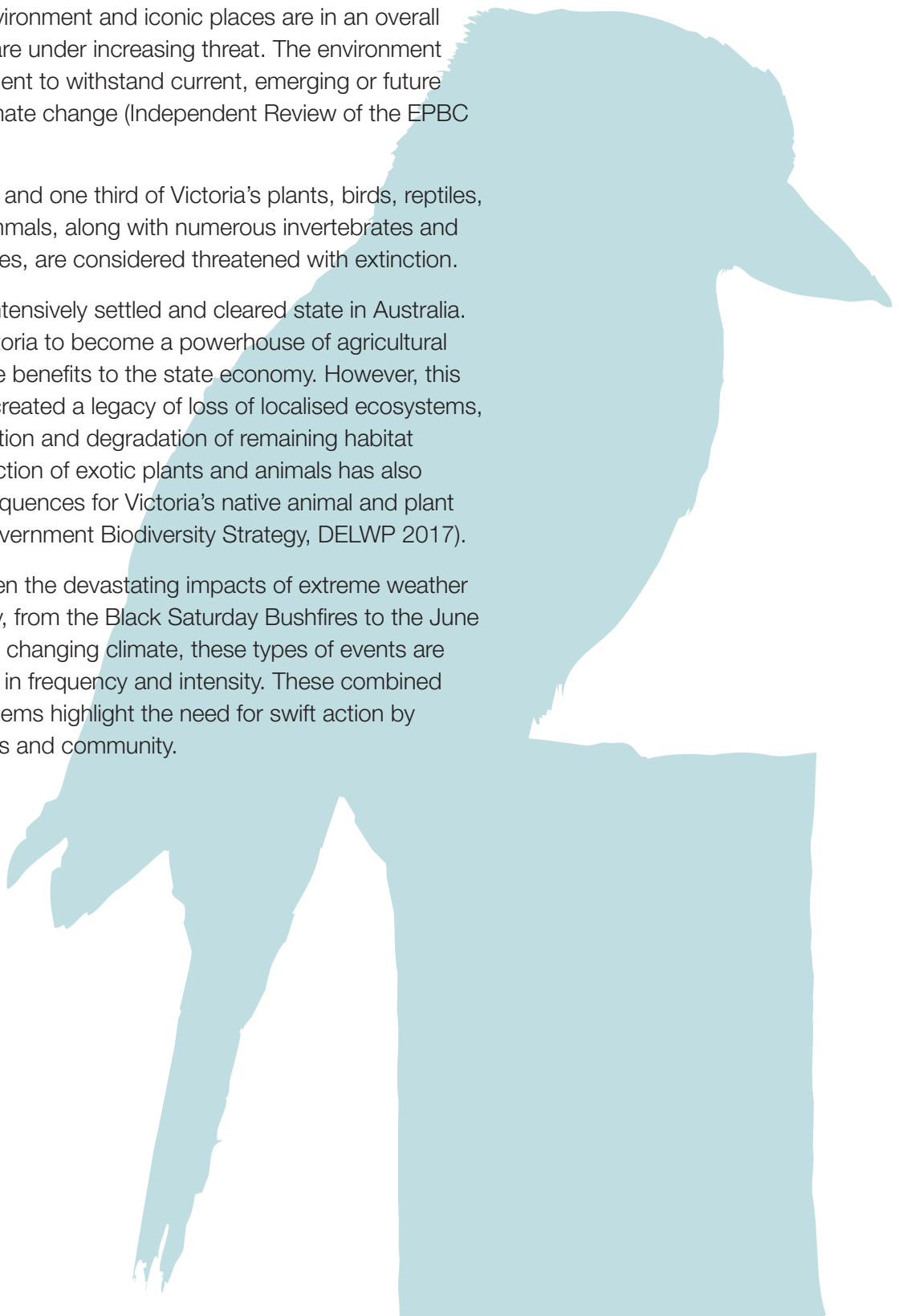
How is Our Nature Faring?

Australia's natural environment and iconic places are in an overall state of decline and are under increasing threat. The environment is not sufficiently resilient to withstand current, emerging or future threats, including climate change (Independent Review of the EPBC Act; Samuel 2020).

Between one quarter and one third of Victoria's plants, birds, reptiles, amphibians and mammals, along with numerous invertebrates and ecological communities, are considered threatened with extinction.

Victoria is the most intensively settled and cleared state in Australia. This has enabled Victoria to become a powerhouse of agricultural production, with huge benefits to the state economy. However, this has also conversely created a legacy of loss of localised ecosystems, along with fragmentation and degradation of remaining habitat patches. The introduction of exotic plants and animals has also had significant consequences for Victoria's native animal and plant species (Victorian Government Biodiversity Strategy, DELWP 2017).

Yarra Ranges has seen the devastating impacts of extreme weather events on biodiversity, from the Black Saturday Bushfires to the June 2021 storm. With the changing climate, these types of events are predicted to increase in frequency and intensity. These combined pressures on ecosystems highlight the need for swift action by government, agencies and community.



Why Do We Need This Plan?

Human activities are broadly creating threats to our natural environment. Impacts from climate change to land clearing and development, humans as a species apply direct and indirect pressure on nature, often to the detriment of our natural environment.



Climate change & extreme events

Current predictions on climate change point to increasing intensity and frequency of wildfire, wind storm, flooding and extreme temperature events. These increased temperatures, frequency of severe weather events and altered rainfall patterns can lead to localised species extinction and ecosystem collapse.



Habitat loss & fragmentation

Housing development, agricultural activities and the construction of roads are altering landscapes and causing habitat fragmentation with populations corralled into disconnected pockets of habitat.

This change in landscape connectivity limits the ability for the less mobile species to disperse, preventing gene flow between adjoining populations which can lead to inbreeding and population collapse.



Invasive species, disease & pathogens

A major threat to primary production, biodiversity, they can displace native species, contribute to land degradation and reduce food and habitat for wildlife. However, some non-indigenous weed species have very little environmental consequence.

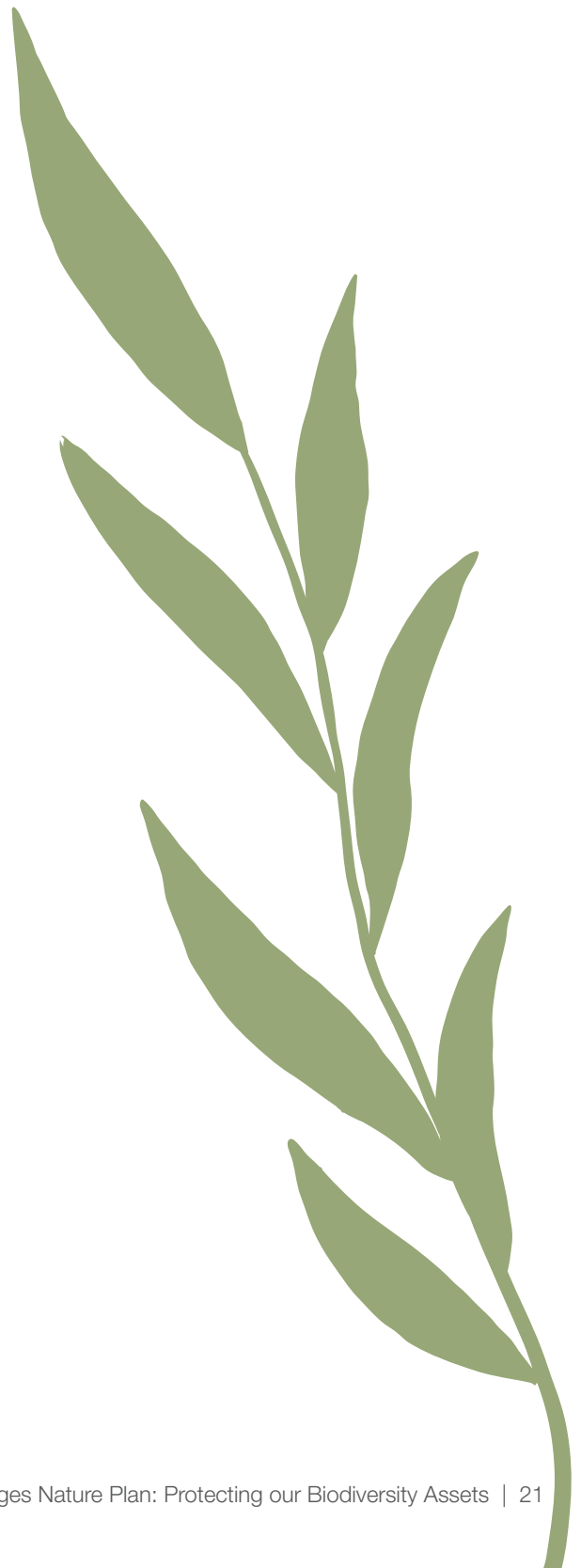
The impact from pest animals varies with deer the highest prominence in recent years. Pathogens can cause disease and dieback of susceptible plants, impacting agricultural and biodiversity outcomes alike.

What Will This Plan Deliver?

The Nature Plan will define the programs and projects of the highest priority for the next 10 years. It will set targets for Council and allow for prioritisation of conservation action on Council-managed land. The Plan will improve our support for private landowners to increase environmental stewardship, identify areas to seek external funding, highlight key advocacy priorities for our municipality and ensure rigorous monitoring and adaptive management are embedded into our programs.

The Nature Plan's targets, objectives and actions will result in a more connected landscape, featuring higher quality and more resilient ecosystems and habitat for native plants and animals. Council will support our community to care for nature in their own backyard and beyond, provide opportunities to engage with the natural environment and foster a deeper connection to the indigenous cultural heritage of Yarra Ranges.

Implementation of the actions within the Plan will be delivered through a combination of existing resources, grant funding and other funding subject to future Council business case submissions and advocacy efforts.







Guiding Principles

Our natural environment is **deeply valued** and we foster a shared deep **connection** to nature.

We **collaborate** across tenures and **integrate** traditional owner knowledge and cultural practices.

We **protect** and enhance biodiversity assets through **evidence-based** decision making and monitoring, evaluating and reporting on our progress.

Themes

The four themes relate to key areas where Council has the greatest impact and influence on biodiversity conservation. Our aim is to preserve unique and indigenous ecosystems, remnant vegetation, and threatened species and communities. By protecting our natural environment and promoting a range of self-sustaining ecosystems, we enhance the quality and long-term sustainability of Yarra Ranges' environment. The role of community cannot be understated, engaging with and actively caring for nature is critical to the successful delivery of biodiversity conservation in Yarra Ranges.

Landscapes & Ecosystems



Habitats and the biodiversity within are holistically understood to enhance the resilience of native flora and fauna populations, enabling our ecosystems from land and water to flourish.

Rare and threatened species and ecosystems are protected and restored across the landscape, ensuring thriving species in connected habitats.

Land Use & Changing Climate



Statutory and strategic planning processes enable best practice land management through integrated planning.

Partner with our community to build ecosystem resilience for a climate-change ready future.

Pest Plants & Animals



Management of pest plants and animals minimises impacts to native flora, fauna and their ecosystems.

Collaboration and partnerships underpin successful landscape scale pest plant and animal programs across the municipality.

People & Nature



Traditional owners are empowered to engage in cultural land management practices on Country within Yarra Ranges.

Our community has access to and a deep connection with nature; they are inspired to take action to actively care for the environment and create a legacy for our future.

Targets



Yarra Ranges achieves an overall 'net gain' in native vegetation cover by 2034



Triple restoration and revegetation works on private and council managed land per annum



Increase the conservation value across our bushland reserve network over the next 10 years



Enable at least 200 land stewards to improve the biodiversity on their land each year



Our Action Plan

The actions in this plan are a consolidation of the collective aspirations received throughout the community engagement process and set Council up for success in delivering the objectives of the Nature Plan. The vision, themes and targets will be achieved through key partnerships, collaborations and the collective effort of our environment groups, Council, government (State and Federal) and the broader community.

The implementation of the actions will be delivered through existing resources, grant funding and other funding subject to future budget bids, business cases and advocacy efforts.

Actions that support the delivery of the Nature Plan are categorised under each theme: Landscapes & Ecosystems, Land Use & Changing Climate, Pest Plants & Animals, and People & Nature.

Actions to create habitat corridors are a priority, with a Biolinks Plan to be developed collaboratively with our community. Improved monitoring will contribute to creation and enhancement of landscape scale links.

To aid the protection and restoration of biodiversity assets, a focus on partnership programs tackling pest plants and animals are a priority. Incorporating cultural burning and regenerative land management practices will support healthy and functional ecosystems.

We will support community to protect their local environment through education and opportunities to learn and care for nature.

The success of many of these actions relies on collaboration with land managers, agencies and importantly, our community to have meaningful outcomes. Implementation will be delivered through a combination of existing resources, grant funding and future budget bids, business cases and advocacy efforts.

The complete action plan detailing the full suite of activities under the Nature Plan can be found on the Council website.





Landscapes & Ecosystems

Target: Yarra Ranges achieves an overall 'net gain' in native vegetation cover by 2034



Data indicates a decline in native vegetation extent and quality at a local and state level over the previous decade.

This target focuses on Council's goal to influence positive change in native vegetation across the municipality in the next decade.

To achieve this, Council will consider the municipality as a whole, irrespective of land tenure (private, Crown or Council) to monitor trends and change over time.

Achieving overall net gain in native vegetation will require collation of data from multiple sources and collaboration with land managers outside of council. Given the proportion of land within the municipality outside Council's direct control, our role as regulator, influencer, advocate and partner will be critical when reporting against this target.

Some of the data to be captured and/or utilised will include:

- Aerial imagery analyses of vegetation cover
- Permitted and unpermitted vegetation removal data
- Number of indigenous plants, or area (plants per unit area) planted through our suite of programs on both private and council-managed land. This will include, but not be limited to; bushlands planting, Ribbons of Green plantings, Trees team replacement and street tree planting, Council-supported community plantings in public spaces.

Collation of data on revegetation and restoration projects increasing native vegetation cover across the municipality as led by other land management agencies and community groups (such as Melbourne Water, DEECA, Parks Victoria, Trust for Nature, Landcare and others).

Landscapes & Ecosystems

Target: Yarra Ranges achieves an overall 'net gain' in native vegetation cover by 2034

Objective

Habitats and the biodiversity within are holistically understood to enhance the resilience of native flora and fauna populations, enabling our ecosystems from land and water to flourish. Rare and threatened species and ecosystems are protected and restored across the landscape, ensuring thriving species and in connected habitats.

Action Description	Timeframe	Investment	Funding source
1.1 Develop a Biolinks Plan to identify and restore important corridors for biodiversity protection and enhancement across the municipality in partnership with community and agencies.	By 2025	\$100,000	Seeking investment. Leverage opportunities (MW, DEECA)
1.2 Develop a prioritisation matrix to identify biodiversity hotspots and focal areas across the municipality.	Year 1	\$40,000	\$20,000 Council-funded \$20,000 seeking investment
1.3 Undertake vegetation surveys to measure change in native vegetation cover across Yarra Ranges to report on our target.	Year 1, 5 & 10	\$50,000 each survey (\$150,000 total)	Seeking investment
1.4 Establish an opt-in monitoring program of biodiversity assets on private land within Yarra Ranges, to better understand the ecological values and inform decision making for statutory and strategic planning.	Year 1–10	\$50,000 per annum	Seeking investment
1.5 Develop a research partnership program with educational institutions to focus on natural resource management and applied ecology to continuously improve evidence base for decision making.	Years 3–10	\$44,000 per annum	Seeking investment
1.6 Support restoration of waterway corridors, billabongs and floodplain habitat within the municipality through cross-promotion and facilitated engagement with landowners and action on Council-managed reserves.	Years 1–10	Not required	Within operational budget
1.7 Advocate, as part of the Upper Yarra Local Development Strategy of the Victorian Forestry Plan, consideration of nature-based tourism opportunities and biodiversity protection.	Years 1–3	Not required	Withing existing resources



Land Use & Changing Climate

Target: Triple restoration and revegetation works across private and council-managed land per annum

This target will significantly increase environmental enhancement activities, with a tripling of restoration and revegetation based on 2022 levels. This target is closely related to the delivery of the Biolinks Plan and enhancement of the Ribbons of Green program.

Revegetation works are defined as the planting of indigenous flora species either into previously cleared land (i.e. paddocks) or supplementary planting into modified bushland areas (i.e. where structure or diversity is lacking). Restoration activities may include invasive plant and animal control, fencing of remnant vegetation patches and revegetation plots and habitat supplementation (i.e. installation of hollows, fauna crossing structures, logs).

Supporting the target is a proposed increase in investment of Council's extension programs including Ribbons of Green and Gardens 4 Wildlife, to enable the increase to both revegetation and restoration works on private land. Similarly, actions that increase investment in the Bushland Teams portfolio of works would support progress towards this target on Council-managed land.

Some of the data to be captured and/or utilised will include:

- number of plants planted per annum
- area of restoration activities and what was undertaken
- number of habitat supplement installations undertaken per annum.

Target: Triple restoration and revegetation works across private and council-managed land per annum

Objective

Partner with our community to build ecosystem resilience for a climate ready future. Statutory and strategic planning processes enable best practice land management through integrated planning.

Action Description	Timeframe	Investment	Funding source
2.1 Increase support to community through the Ribbons of Green program to deliver a revitalised incentive program and implement the Biolinks Plan. The program will include existing habitat protection, revegetation, pest plant and animal control and regenerative land management practices.	Years 3–10	\$250,000 per annum above existing funding	Seeking investment, grant leverage opportunities
2.2 Work with traditional owners, local growers, peak bodies, and land managers to promote and support implementation of resilient land management and regenerative agriculture practices, including traditional cultural practices and carbon drawdown.	Years 2–10	\$160,000 per annum	Seeking investment
2.3 Implement sustainable bushfire reduction works which achieve net biodiversity benefit in collaboration with relevant agencies. Incorporate cultural burning practices to support biodiversity improvements.	Years 1–10	\$85,000 per annum	Seeking investment to support existing Firestick Officer role
2.4 Increase restoration and revegetation activities across the existing bushland reserve network with a focus on improving conservation values, enhancing habitat corridors and supporting threatened species and their habitats through the municipality.	Years 1–10	\$375,000 average per annum above existing funding	Seeking investment
2.5 Foster strong collaboration with other land managers, conservation organisations, Landcare and community environment groups through representation on multi-agency collaborative committees.	Years 1–10	Not required	Within existing resources
2.6 Support private landowners with environmental regulation and complementary land management practices.	Years 2–10	\$110,000 per annum	Seeking investment



Pest Plants & Animals

Target: Increase the conservation value across our bushland reserve network over the next 10 years

To achieve this target, further investment in the longitudinal monitoring study of Council's bushland reserve network is required. This will provide an enhanced understanding and assessment of the health and conservation value of reserves and roadsides. This data will assist with sound investment decisions.

Bushland areas are monitored on a regular cycle and data is compared over time, with each 'site' attributed a conservation status of either 'Low', 'Medium', 'High' or 'Very High'.

Some of the data to be captured and/or utilised will include:

- presence/abundance/cover of invasive plants (including high threat weeds)
- presence and impact of pest animals (including impacts from browsing, trampling and other damage).

- condition of the native vegetation within the reserve including, but not limited to, measures of threatened species populations (where applicable), habitat characteristics and recruitment of indigenous species.

This target is linked to the theme of Pest Plants & Animals due to its assessment of how effective those programs are at achieving positive change in the conservation values of the reserve network. Reporting on this target will involve providing analysis of the data obtained through this longitudinal monitoring program and may be further informed by updates to bushland reserve planning and prioritisation matrix development (Actions 1.2 and 3.3).

Pest Plants & Animals

Target: Increase the conservation value across our bushland reserve network over the next 10 years

Objective

Collaboration and partnerships underpin successful landscape-scale pest plant and animal programs across the municipality

Action Description	Timeframe	Investment	Funding source
3.1 Implement catchment-scale, targeted, cross-tenure pest plant and animal control programs at identified locations, working with community and other land managers to achieve broad biodiversity benefit.	Years 2–10	Leverage existing bushland budget with external funding circa \$300,000 per annum	External funding sought (DEECA, MW, Federal Government)
3.2 Collaborate with land managers to address the prevalence of feral deer across Yarra Ranges, through partnerships, funding programs, education of residents and advocacy to achieve an overall reduction in the impact of deer.	Years 1–10	\$50,000 per annum operational funding sought, plus external funding	Seeking Investment (operational). External funding sought (DEECA, MW, Federal Government)
3.3 Utilise prioritisation matrix, Biolinks Plan and updated levels of service to develop Bushland Reserve Management Plans for high priority reserves, with emphasis on invasive species that drive ecological change.	Years 2–3	\$70,000	Seeking investment
3.4 Promote Yarra Ranges cat curfew and deliver supporting community education regarding impact of cats on wildlife. Investigate mechanisms for enforcement of existing local laws.	Years 1–10	Not required	Within existing resources
3.5 Facilitate strategic development of municipal pest action plans as part of legislative requirements, support community pest animal programs and collaborate with the Eastern Region Pest Animal Network.	Years 2–10	\$125,000 per annum	Seeking investment



People and Nature

Target: Engage at least 200 land stewards in council-led programs each year to improve the biodiversity on their land

This target aims to support programs which incentivise community to protect and enhance biodiversity on their land. Community is critical to the success of this target given 30% of land within the municipality is privately owned therefore the capacity for our community to lead positive change is substantial.

Council will support the delivery of this target through its extension programs including, but not limited to; Ribbons of Green, Gardens 4 Wildlife, Weed Wipeout, Environmental education programs and volunteer support programs. This will be supplemented through grant funds delivering on cross-tenure pest plant and animal programs.

Data that will be reported on may include:

- participation in incentive and extension programs
- engagement with on-ground program delivery and survey data of residents
- education program participation translating to tangible action.

Further metrics are likely to be identified as program delivery evolves over implementation of the Nature Plan.

Target: Engage at least 200 land stewards in council-led programs each year to improve the biodiversity on their land

Objective

Traditional owners are empowered to engage in cultural land management practices on Country within Yarra Ranges. Our community has access to and a deep connection with nature; they are inspired to take action to actively care for the environment and create a legacy for our future.

Action Description	Timeframe	Investment	Funding source
4.1 Support the development of areas suitable for the application of contemporary concepts of Indigenous Ways of Knowing, Being & Doing such as cultural burning. Enhance opportunities for Council and community connection through delivery of cultural awareness program.	Years 2–3	Not required	Within existing resources
4.2 Enhance opportunities for cultural awareness and integration of indigenous land management practices into bushland management through employment of Indigenous Ranger.	Years 4–10	\$110,000 per annum	Year 1 Council-funded, ongoing funding required
4.3 Enhance biodiversity in urban townships through increase in street tree cover and habitat planting, along with expanding community support through Gardens 4 Wildlife.	Years 1–10	\$145,000 per annum	Partially Council-funded, remainder unfunded. Street tree planting program partially Council-funded.
4.4 Support council network of environmental volunteers, including Friends of groups, Landcare networks and others to undertake direct action and community-led knowledge sharing of environmental values.	Years 1–10	\$55,000 per annum	Seeking investment
4.5 Provide a suite of environmental education programs, events, and opportunities to engage the community in environmental topics. A renewed focus on providing opportunities for equitable access and diversity of offerings to reach more of our community.	Years 1–10	Not required	Within existing resources

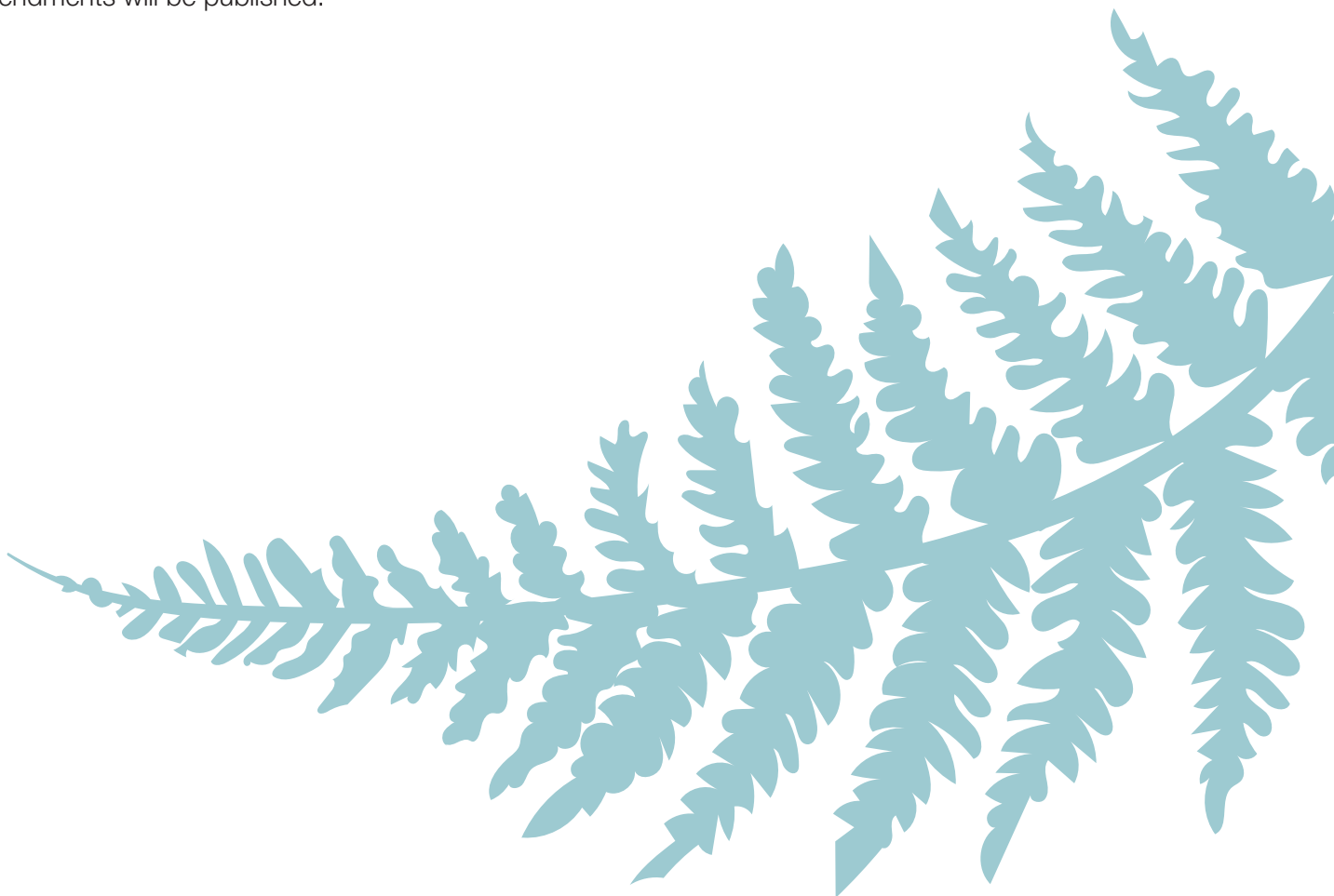
Monitoring & Review

The Nature Plan will be reviewed and reported on regularly to determine progress of the actions, contribution towards the targets and balance the changing dynamics of political, social and environmental landscapes. This will enable continuous improvement and an adaptive management approach to delivery of this strategy.

Regular review of the actions and investment required will ensure accountability and an agile, pragmatic approach. If substantial changes to investment, including leveraged funding, are incurred these will be updated and published as required.

Council is committed to promoting gender equality in all our work. As such, a gender impact assessment will be conducted on relevant policies, programs, and services developed during implementation of this plan.

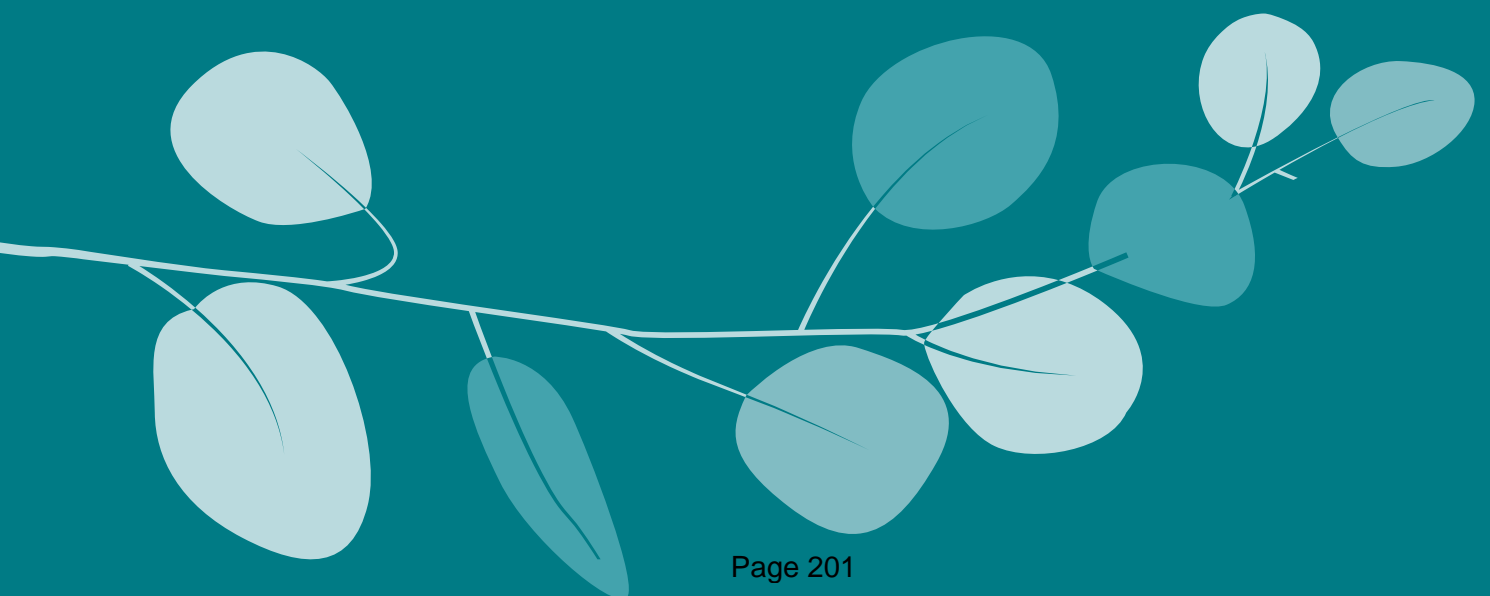
Where there are substantial changes to the targets or priority actions, amendments will be published.





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Yarra Ranges Council Nature Plan

Summary of Changes



The final Nature Plan has had changes made to the structure, layout and order of sections along with minor wording and grammatical edits to improve the flow, readability and interpretation of the document. Substantial changes to the Plan are documented in the table below.

Area	Existing content	Proposed change
Content of targets and metrics.	Only target wording provided in draft Nature Plan.	Expanded wording and added metrics for targets. Pages 25, 28, 31, 33.
Strategic links.	No content.	Inclusion of relevant biodiversity strategies. Page 13.
Glossary of terms added.	No content.	Glossary added. Definitions adjusted for Ecological communities, Ecosystem collapse and Habitat corridor. Page 7.
Indigenous partnerships for nature.	Previously titled Foreword.	Heading changed to Indigenous partnerships for nature. Page 3.
Rewording of vision statement.	Yarra Ranges is a place of healthy, resilient and connected natural living landscapes thriving alongside us. Our community actively care for and feel a deep connection to nature.	Yarra Ranges is a place of healthy, resilient and connected natural living landscapes. Our community actively care for and feel a deep connection to nature. Page 4.
Mayor's message.		Awaiting content. Page 5.
Executive summary.	No content.	Added executive summary. Page 8.
What is Council's role?	Previously titled Why do we need this plan?	Heading change to <i>What is Council's role?</i> to add clarity to content. Page 10.
Legislative context.	Legislative Context/Role of Local Government.	Heading change to <i>Legislative Context</i> to clarify content. Amendments made to infographic to rectify incorrect dates on legislation. Page 12.
Why do we need this plan?	Previously titled Threats to our Environment.	Heading change to clarify threatening processes driving the need for the plan. Page 18.
Themes	Page 22.	Wording changes to objectives of each theme for greater clarity of intent and alignment to actions. Page 22.
Our action plan.	Foundation actions.	Heading change to <i>Our action plan</i> with wording change to content therein to provide greater clarity. Page 24.

Area	Existing content	Proposed change
Action plan tables.	Vision	Changed table header to <i>Objective</i> for clarity and consistency of strategic document language. Pages 25 to 34.
Monitoring & Review.	Monitoring & Review.	Content update including Gender Equity reference. Page 36.
Action 1.7.	No content.	New action added under the Landscapes & Ecosystems theme – 1.7 (Advocate, as part of the Upper Yarra Local Development Strategy of the Victorian Forestry Plan, consideration of nature-based tourism opportunities and biodiversity protection). Page 27.
Triple restoration and revegetation works across private and council-managed land per annum vision change.	Deeply engage with our townships and rural communities to build ecosystem resilience for a climate ready future.	Partner with our community to build ecosystem resilience for a climate ready future. Statutory and strategic planning processes enable best practice land management through integrated planning. Page 29.
Action 2.1 Altered investment.	Anticipated range \$250,000 - \$500,000 per annum above existing program funding.	\$250,000 per annum above existing program funding. Page 29.
Action 2.2 Adjusted timeframe.	Years 3-10	Years 2-10 Page 29.
Action 2.3 Adjusted investment.	1 FTE Band 6 (2 year fixed term role)	Adjusted investment to incorporate allocation for Firestick burning program on council managed land. Page 29.
Action 2.3 Adjusted timeframe.	Years 2-3	Years 1-10. Page 29.
Action 2.4 transferred to Action 2.5.	Foster strong collaboration with other land managers, conservation organisations, Landcare, and community groups through representation on multi-agency collaborative committees.	Foster strong collaboration with other land managers, conservation organisations, Landcare, and community environment groups through representation on multi-agency collaborative committees. Page 30.
Action 2.4 New action added.	No content.	Increase restoration and revegetation activities across the existing bushland reserve network with a focus on improving conservation values, enhancing habitat corridors and supporting threatened species and their habitats through the municipality. Page 29.
Action 2.6 New action added.	No content.	Support private landowners with environmental regulation and complementary land management practices. Page 30.
Action 3.1 Altered investment.	Leverage existing Bushland budget with external funding circa \$500,000 - \$2Million total.	Leverage existing Bushland budget with external funding circa \$300,000 per annum. Page 32.
Action 3.2 Altered timeframe.	Years 1-10	Years 2-10 Page 32.
Action 3.3 Altered timeframe.	By 2025.	Years 2-3 Page 32.

Area	Existing content	Proposed change
Action 3.4 New action added.	No content.	Promote Yarra Ranges cat curfew and deliver supporting community education regarding impact of cats on wildlife. Investigate mechanisms for enforcement of existing local laws. Page 32.
Action 3.5 New action added.	No content.	Facilitate strategic development of municipal pest action plans as part of legislative requirements, support community pest animal programs and collaborate with the Eastern Region Pest Animal Network. Page 32.
Action 4.3 Adjusted investment.	0.6 FTE Band 5 officer + \$30,000 operating budget.	\$145,000 per annum. Page 34.
Action 4.4 Adjusted action wording and investment.	No investment identified.	Support council network of environmental volunteers, including Friends of groups, Landcare networks and others to undertake direct action and community-led knowledge sharing of environmental values. \$55,000 per annum. Page 34.
Action 4.5 Adjusted investment.	0.5 FTE Band 6	Investment for this action redistributed to action 4.4. Page 35.



Nature Plan

Comprehensive Action Plan

2024 – 2034

The following is a comprehensive action plan, which complements Yarra Ranges Council's Nature Plan 2024 — 2034. While it includes all the foundation actions in the plan, it also includes additional operational actions required along with more detail.

The actions are categorised by the following themes:

Landscapes and ecosystems

Land use and changing climate

Pest plants and animals

People and nature

Foundation actions (marked with *) are the strategic activities required to meet Council's targets under the Nature Plan.



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Landscapes and ecosystems

Action 1.1*

Develop a Biolinks Plan to identify and restore important corridors for biodiversity protection and enhancement across the municipality in partnership with community and agencies.

Duration

Short
1–3 years

Action 1.2*

Develop a prioritisation matrix to identify biodiversity hotspots and focal areas across the municipality.

Duration

Short
1–3 years

Action 1.3*

Undertake vegetation surveys to measure change in native vegetation cover across Yarra Ranges to report on our target.

Duration

Medium
4–6 years

Action 1.4*

Establish an opt-in monitoring program of biodiversity assets on private land within Yarra Ranges, to better understand the ecological values and inform decision making for statutory and strategic planning.

Duration

Long
7–10 years

Action 1.5*

Develop a research partnership program with educational institutions to focus on natural resource management and applied ecology to continuously improve evidence base for decision making.

Duration

Long
7–10 years

Action 1.6*

Support restoration of waterway corridors, billabongs and floodplain habitat within the municipality through cross-promotion and facilitated engagement with landowners and action on Council-managed reserves.

Duration

Long
7–10 years

Action 1.7*

Advocate, as part of the Upper Yarra Local Development Strategy of the Victorian Forestry Plan, consideration of nature-based tourism opportunities and biodiversity protection.

Duration

Short
1–3 years



Landscapes and ecosystems

Action 1.8

Adaptively manage Council reserves through analysing conservation value data and using this to inform techniques, approaches and investment.

Duration

Long
7–10 years

Action 1.9

Complete Flora and Fauna Guarantee (FFG) Act listed species impact statement and review of the goals of the State Government’s Biodiversity 2037 Strategy to address the new Public Authority Duty required by recent amendment to the FFG Act.

Duration

Short
1–3 years

Action 1.10

Undertake strategic review of Council’s Biodiversity Offset Program (BOP) to determine future direction in line with strategic objectives.

Duration

Short
1–3 years

Action 1.11

Develop an ecological slashing program to improve regeneration of indigenous grass species on Council land and reduce chemical application over time.

Duration

Med to long
4–10 years

Action 1.12

Contribute to the catchment-wide objective to increase environmental water reserve by 10 GL per year for the Yarra River by 2028.

Duration

Long
7–10 years

Action 1.13

Work with State Government to develop guidelines for biodiversity-sensitive response and recovery practices following natural disasters.

Duration

Medium
4–6 years





Land use and changing climate

Action 2.1*

Increase support to community through the Ribbons of Green program, to deliver a revitalised incentive program and implement the Biolinks Plan. The program will include existing habitat protection, revegetation, pest plant and animal control and regenerative land management practices.

Duration

Long
7–10 years

Action 2.2*

Work with traditional owners, local growers, peak bodies, and land managers to promote and support implementation of resilient land management and regenerative agriculture practices, including traditional cultural practices and carbon drawdown.

Duration

Long
7–10 years

Action 2.3*

Implement sustainable bushfire reduction works which achieve net biodiversity benefit in collaboration with relevant agencies. Incorporate cultural burning practices to support biodiversity improvements.

Duration

Long
7–10 years

Action 2.4A*

Increase restoration and revegetation activities across the existing bushland reserve network with a focus on improving conservation values, enhancing habitat corridors and supporting threatened species and their habitats through the municipality.

Duration

Long
7–10 years

Action 2.4B*

Implement a 15% increase in plant numbers and increased maintenance and pest exclusion to ensure long term climate success.

Duration

Long
7–10 years

Action 2.4C*

Control of foxes and rabbits on council land. Foxes and rabbits are not currently managed on council land and there are obligations as land managers under the Catchment and Land Protection (CaLP) Act.

Duration

Long
7–10 years



Land use and changing climate

Action 2.5*

Foster strong collaboration with other land managers, conservation organisations, Landcare, and community environment groups through representation on multi-agency collaborative committees.

Duration

Long
7–10 years

Action 2.6*

Support private landowners with environmental regulation and complementary land management practices.

Duration

Long
7–10 years

Action 2.7

Broaden the application of the Code of Environmental Practice (COEP) to ensure all works undertaken by council, or on behalf of Council, are adhering to high environmental standards.

Implement council developed Environmental Green Card training to council staff and contractors. Embed COEP in council tender documentation and explore ways to enforce compliance.

Duration

Short
1–3 years

Action 2.8

Support delivery of Council major projects, Recreation and Active Living trails and open space development and township strategic planning being subject to comprehensive environmental assessment processes.

Duration

Long
7–10 years

Action 2.9

Utilise data from various sources inclusive of council's own monitoring programs, to build the foundation of proposed alterations to local environmental planning scheme overlays.

Duration

Long
7–10 years

Action 2.10

Support permanent protection of private land with conservation covenanting in key locations across the municipality.

Investigate expansion of program, for identified properties of high ecological value, or deemed inappropriate for development.

Duration

Long
7–10 years

Action 2.11

Develop an urban greening program, through delivery of Council's Tree Strategy to increase canopy cover.

Duration

Long
7–10 years



Land use and changing climate

Action 2.12

Review of the Restructure Overlay Plans to determine value proposition from view of future additions to Council’s bushland reserve network.

Duration

Short
1–3 years

Action 2.13

In partnership with community and agency, prepare and implement Township “Emergency Preparedness” Plans for at least 3 more localities within Yarra Ranges, considering the value and retention of important biodiversity within those plans.

Duration

Long
7–10 years

Action 2.14

Utilise map areas from the Biolinks project of permit exemptions across the municipality based on existing dwellings to model potential impact on biodiversity.

Duration

Short
1–3 years

Action 2.15

Support community to undertake annual bushfire preparedness in a biodiversity sensitive manner through delivery of educational material and resources.

Duration

Long
7–10 years

Action 2.16

Develop an operational program for cultural firestick burns on public land.

Duration

Short
1–3 years

Action 2.17

Investigate application of nature based accounting for Yarra Ranges, through accredited program to encourage regenerative farming practices in the region.

Duration

Short to med
1–6 years

Action 2.18

Undertake a process review of “First Party Offsets” that utilise a Planning Section 173 Agreement. Process improvements are required to ensure efficiency, best environmental outcomes and compliance with legal obligations by all parties.

Duration

Short
1–3 years



Pest plants and animals

Action 3.1A*

Implement targeted cross-tenure weed management programs at a minimum of 3 locations informed by the State Government's Biodiversity 2037 Strategy and Council's Biolinks Plan. This will build on the success of programs delivered previously including Peri-urban Weed Management Initiative.

Duration

Long
7–10 years

Action 3.1B*

Implement targeted cross-tenure pest animal programs at a minimum of 3 locations informed by the Eastern Region Pest Animal Strategy, Peri-urban Melbourne Region Deer Control Plan and Council's Biolinks Plan.

Duration

Long
7–10 years

Action 3.2A*

Implement a targeted program to address the impacts of deer on council managed land. Undertake targeted deer control activities in accordance with legislative obligations.

Duration

Long
7–10 years

Action 3.2B*

Collaborate with land managers to address the prevalence of feral deer across Yarra Ranges, through partnerships, funding programs and education of residents to achieve an overall reduction in the impact of deer on the environment.

Duration

Long
7–10 years

Action 3.3*

Utilise prioritisation matrix, Biolinks Plan and updated levels of service to develop Bushland Reserve Management Plans for high priority reserves, with emphasis on invasive species that drive ecological change.

Duration

Short
1–3 years

Action 3.4*

Promote Yarra Ranges cat curfew and deliver supporting community education regarding impact of cats on wildlife. Investigate mechanisms for enforcement of existing local laws.

Duration

Long
7–10 years



Pest plants and animals

Action 3.5*

Facilitate strategic development of municipal pest action plans as part of legislative requirements, support community pest animal programs and collaborate with the Eastern Region Pest Animal Network.

Duration

Long
7–10 years

Action 3.6

Advocate to State Government for listing of feral deer as pests under the CALP Act and provision of adequate funding to support monitoring, control and research within the region.

Duration

Long
7–10 years

Action 3.7

Investigate support of local deer meat industry, to support control efforts, local economy and sustainability practices.

Duration

Short
1–3 years

Action 3.8

Support community action in pest plant removal on private land through delivery of expanded Weed Wipeout program.

Duration

Long
7–10 years

Action 3.9

Review existing local laws which target environmental weeds and pest animal control on private property to determine efficacy and suitability.

Duration

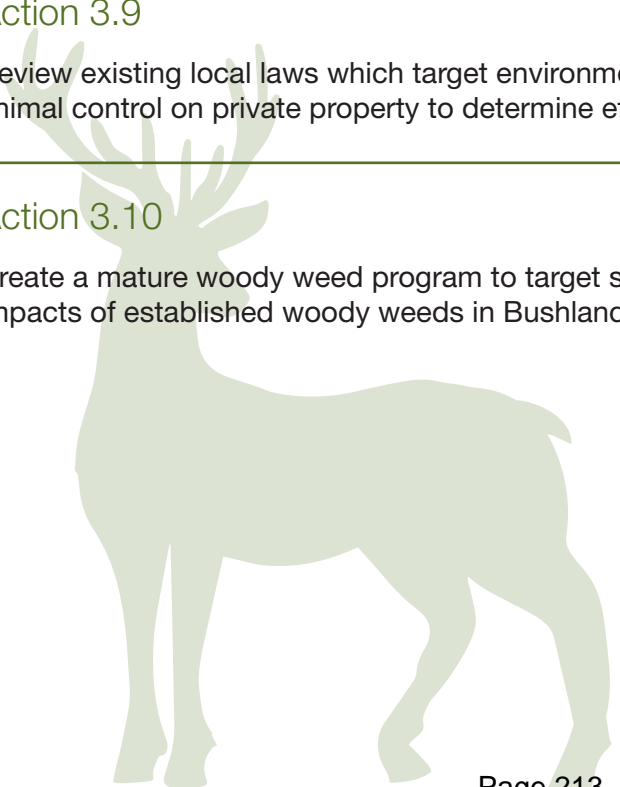
Medium
4–6 years

Action 3.10

Create a mature woody weed program to target significant landscape impacts of established woody weeds in Bushland reserves.

Duration

Medium
4–6 years





People and Nature

Action 4.1*

Support the development of areas suitable for the application of contemporary concepts of Indigenous Ways of Knowing, Being and Doing such as cultural burning. Enhance opportunities for Council and community connection through delivery of cultural awareness program.

Duration

Long
7–10 years

Action 4.2*

Enhance opportunities for cultural awareness and integration of indigenous land management practices into bushland management through employment of Indigenous Ranger.

Duration

Long
7–10 years

Action 4.3*

Enhance biodiversity in urban townships through increase in street tree cover and habitat planting, along with expanding community support through Gardens 4 Wildlife.

Duration

Long
7–10 years

Action 4.4*

Support Council network of environmental volunteers, including Friends of groups, Landcare network and others to undertake direct action and community led knowledge sharing of environmental values.

Duration

Long
7–10 years

Action 4.5*

Provide a suite of environmental education programs, events, and opportunities to engage the community in environmental topics. A renewed focus on providing opportunities for equitable access and diversity of offerings to reach more of our community.

Duration

Long
7–10 years

Action 4.6

Investigate opportunities to enhance biodiversity in urban townships through habitat improvements to council managed parks and reserves.

Duration

Short
1–3 years



People and Nature

Action 4.7

Promote and foster greater uptake in citizen science opportunities that align with Council’s objectives of obtaining greater understanding of biodiversity values across the Shire.

Duration

Long
7–10 years

Action 4.8

Enhance environmental interpretation and education opportunities along key tourist destinations, trails and reserves.

Duration

Long
7–10 years

Action 4.9

Increase support for implementation of environmental grants through Council, and for seeking external funds to support priority programs and projects within Biodiversity, Bushland and Sustainability teams.

Duration

Long
7–10 years

Action 4.10

Partner with Early Years and Sustainability Teams to develop increased nature based education opportunities in early learning programs.

Duration

Long
7–10 years





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Draft Nature Plan 2023-33

Protecting our Biodiversity Assets

Community Consultation Summary

About the consultation

The Draft Nature Plan 2023-33 Protecting our Biodiversity Assets for Yarra Ranges Council was released to the community for comments between 25 August and 25 October 2022.

The consultation invited comments via the Shaping Yarra Ranges website, and comments were also submitted via direct email/mail to Council and in face-to-face conversations at various events and pop-up events across the municipality.

The consultation period was advertised by an email update to Shaping Yarra Ranges subscribers and various community groups and networks, via a social media campaign, advertising and notices in Council and community newsletters, community links and various local businesses.

Prior to the development of the Draft Nature Plan, Council engaged with Council advisory groups, community focus groups and agency partners to benchmark and establish a basis for development of the plan. Many of these groups and organisations were also re-engaged during the consultation period open to the broader community, which further informed the final plan.



Community participation in consultation

Visits to the Shaping Yarra Ranges page: 1,506

Draft plan downloads: 646

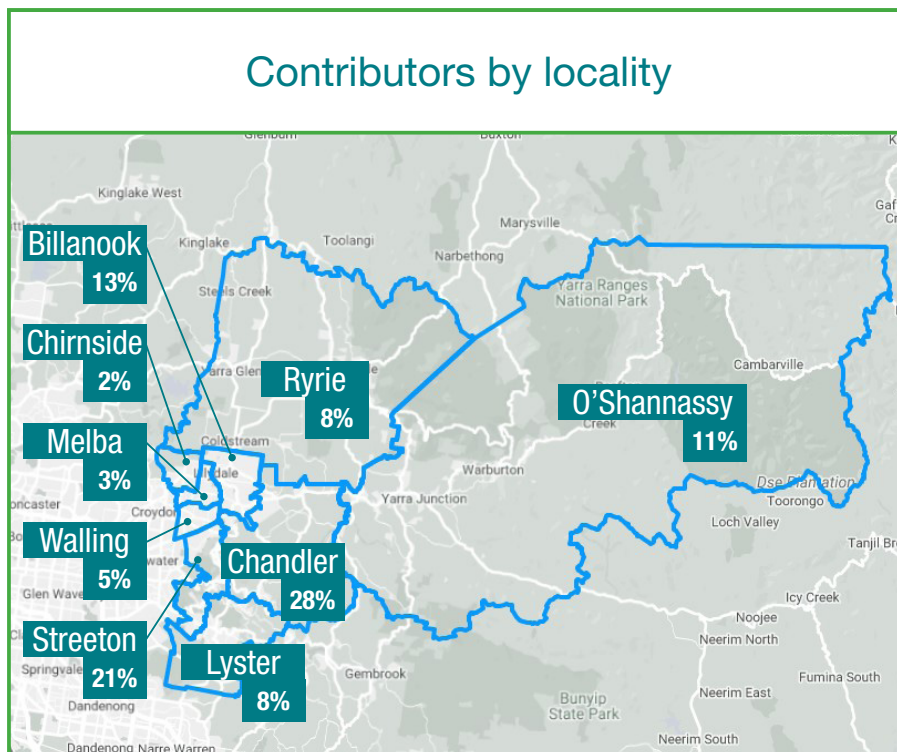
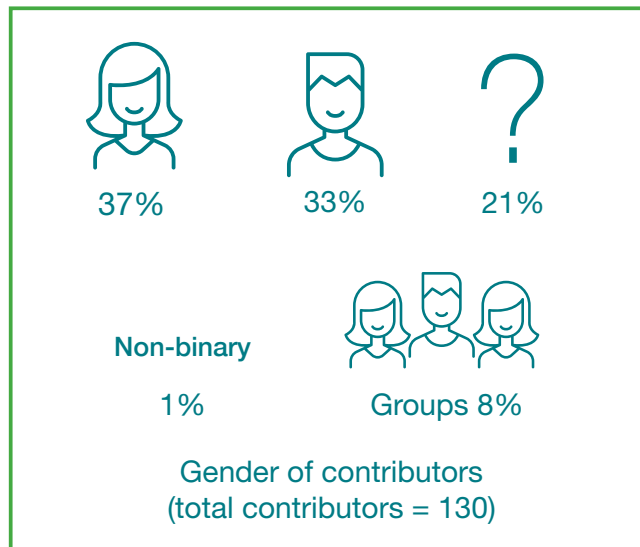
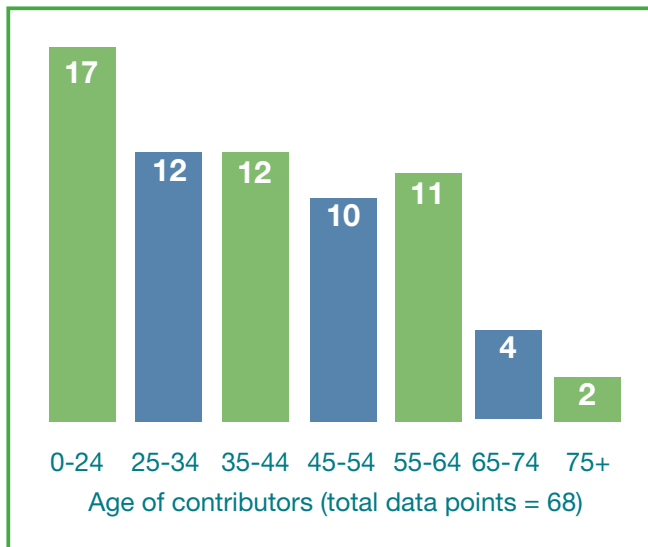
A targeted agency and natural resource management professionals feedback session was run during consultation, which had high participation and attendance representing 14 organisations.

Council's Sustainable Environment, Rural, Indigenous, Youth and Disability advisory committees were met with and valuable feedback obtained (approx. 40 participants).

Thirty-six people participated in one of two webinars offered to the community.

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Types of feedback received

The feedback received through the consultation related to all components of the Draft Nature Plan, along with general feedback on biodiversity related matters within the municipality.

A combination of individual responses and submissions by registered groups and organisations gave a breadth of feedback to Council on all themes of the plan and their inherent actions.

Key points of feedback

We asked what you thought of our proposed targets by theme:

- Yarra Ranges achieves an overall ‘net gain’ in native vegetation cover by 2033.
- Triple restoration and revegetation works across private and Council-managed land per annum.
- Increase the conservation value across our bushland reserve network over the next 10 years.
- Engage at least 200 land stewards in Council-led programs to improve the biodiversity on their land each year.

Page 220

Community consultation key comments:

- Our target for an overall ‘net gain’ in native vegetation was insufficient.
- The targets aren’t clear enough. How will they be measured? What do they mean?

In our final plan we will:

Maintain our current target, with wording changes to improve clarity. The data we have indicates that the ‘net gain’ target will be a stretch goal for Council and is a reasonable target.

Add clarification of each target, how it is defined and the metrics we will use to report on our progress towards all targets.



We asked what you thought about the actions listed in our action plan under the themes of Landscapes & Ecosystems, Land Use & Changing Climate, Pest Plants & Animals, and People & Nature.

Landscape & Ecosystems

Community consultation key comments:

- Increasing native vegetation is crucial for the protection of habitat.
- Need to stop clearing land/ biodiversity.
- It is unclear how a 'net gain' in vegetation will be achieved/'Net gain' in native vegetation cover is not a sufficient target.
- Need more investment in improving habitat.
- How does fire management look alongside gain in vegetation?

In our final plan we propose to:

- Retain the target of achieving 'net gain' of native vegetation. This is considered a 'stretch target' based on current data and Victorian Auditor Generals Report (VAGO).
- Support community as land stewards with Environment Officer to deliver land management and environmental regulation education through addition of Action 2.6.
- Add a description of each target to provide context and supporting metrics for reporting on targets.
- Support for Ribbons of Green (Action 2.1) and new action and investment proposition for Bushland restoration activities (Action 2.4).
- Consider fuel management in strategic planning for development of the Biolinks Plan and revegetation programs. CFA will be an important partner in this project.



Land Use & Changing Climate

Community consultation key comments:

- Better coordination and support required from Council to improve fuel management practices.
- Ribbons of Green is great, however, it needs strengthening.
- There needs to be more education for the community in relation to the importance of trees and tree removal rules.
- What extra measures are Council taking to tackle climate change – e.g., carbon capture? adaptive species?
- Regenerative agriculture/ agroforestry/permaculture is necessary for better environmental outcomes.

In our final plan we propose to:

- Embed sustainable bushfire reduction, regenerative and agricultural land management practices into existing Actions 2.2 and 2.3.
- Strengthen the Ribbons of Green program through proposed increase in investment.
- Support community as land stewards to deliver land management and environmental regulation through addition of Action 2.6.
- Add wording to articulate existing collaboration with Sustainability Programs through Liveable Climate Plan and Tree Canopy Strategy.
- Provide support for regenerative practices to increase across the municipality through education and incentives in Action 2.2.



Pest Plants & Animals

Community consultation key comments:

- Deer in the shire should be controlled to stop biodiversity loss and property damage.
- Council needs to invest more in our bushland reserves, including improved weed management programs.
- Council must enforce cat curfew and improve domestic pet management regulation and penalties, to reduce impacts on wildlife.
- Support for landowners in removing weeds and revegetating with native plants.

In our final plan we propose to:

- Include programs to support community in addressing biodiversity impacts resulting from deer and other pest animals through Actions 3.1, 3.2 and 3.5.
- Include a new action (2.4) to increase the investment in restoration activities in Council managed bushland reserves across the municipality.
- Increase education, empower the community and support enforcement of Council's cat curfew through Action 3.4.
- Provide greater support to community for addressing pest plants & animals through Ribbons of Green (Action 2.1) and Gardens 4 Wildlife (Action 4.3) and other programs.



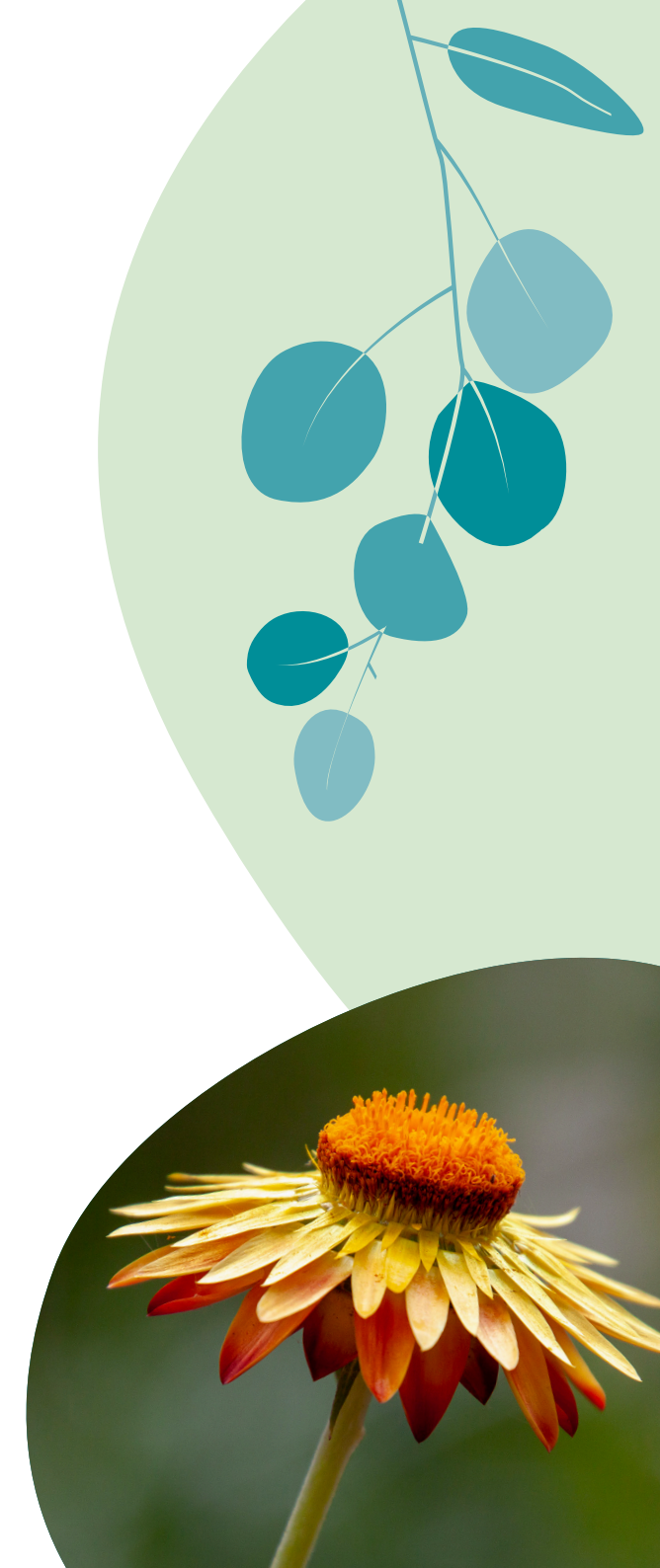
People & Nature

Community consultation key comments:

- Educate us please! The community value and want more education material.
- Many in the community want to learn more about how to create a habitat or native garden. Gardens for Wildlife needs to expand and better support residents.
- Create opportunities and events focussed on young people, make it fun and appealing to attract them / Council need to provide more support to environmental volunteers.
- Strong support for land steward program and its expansion.
- What does a target of 'enable at least 200 land stewards to improve biodiversity...' mean?

In our final plan we propose to:

- Bolster resourcing of environmental volunteer support and education programs, building on existing action from Landcare and Friends of Groups with a focus on broadening our audience and diversifying our offerings, to ensure more of our community actively cares for the environment (Actions 4.4 & 4.5).
- Provide greater support to residents to engage with the Gardens 4 Wildlife program and create habitat gardens through increased investment (Action 4.3).
- Increase investment in programs that build environmental stewardship in our community and encourage action for biodiversity on private land including Actions 2.1 and 2.2.
- Expand on our targets provided with descriptions and examples of metrics we will use to report on for greater clarity to community.



General feedback

Community consultation key comments:

- How are the targets presented throughout the plan going to be measured and monitored?
- Support for Indigenous knowledge throughout the document.
- Natural environment needs more funding than what is presented in the Draft Plan.
- Council should be supporting the establishment of the Great Forest National Park.

Page 225

In our final plan we propose to:

- Expand on our targets provided with descriptions and examples of metrics we will use to report on for greater clarity to community.
- Support the collaboration with traditional owners and enhance the investment in Indigenous knowledge in bushland restoration, including cultural burning through multiple actions (2.2, 2.3, 4.1 & 4.2).
- Include a new action (2.4) to increase the investment in restoration activities in Council managed bushland reserves across the municipality.
- Include an advocacy action for the Victorian Forestry Plan regarding biodiversity conservation (Action 1.7).

Next steps

A range of feedback from the community has been presented during the extensive consultation for the Draft Nature Plan.

Each item outlined in this summary, as well as other feedback received, will be considered in the

development of the final plan, and in the actions to be delivered through implementation.

Whilst not all feedback can be incorporated into the final plan, for reasons including; conflicting submissions, Council's role and

responsibilities and resourcing constraints, due consideration was given wherever feasible.

The final copy of the Nature Plan will be available for public viewing from late 2023. Actions subject to funding availability.



Year 1 Nature Plan Activities Overview

The table below details the Actions identified to commence in year one. The cost estimates are reflective of the duration of the action. There are many actions that are also able to be scaled in response to available funding and priorities. For example, Action 2.4 focuses on restoration activities across the Council bushland reserve network and the activities for this could be scaled to reflect available resourcing and priorities.

Priority actions are **bold** and marked with a *. Further detail has been provided around some actions using subgroups A, B, C etc after the action number to provide more defined cost estimates. \$0 actions are covered by existing resources.

Theme	Action #	Action	Timeframe	Council Investment Estimate	Grant Funded Estimate	Year 1 Total
Page 226 Landscapes and Ecosystems	1.2*	Develop a prioritisation matrix to identify biodiversity hotspots and focal areas across the municipality.	1	\$20,000	\$20,000	\$40,000
	1.3*	Undertake vegetation surveys to measure change in native vegetation cover across Yarra Ranges to report on our target.	1, 5 & 10	\$50,000	\$0	\$50,000
	1.4*	Establish an opt-in monitoring program of biodiversity assets on private land within Yarra Ranges, to better understand the ecological values and inform decision making for statutory and strategic planning.	1-10	\$50,000	\$0	\$50,000
	1.6*	Support restoration of waterway corridors, billabongs and floodplain habitat within the municipality through cross-promotion and facilitated engagement with landowners and action on Council-managed reserves.	1-10	\$0	\$0	\$0
	1.9	Complete Flora and Fauna Guarantee (FFG) Act listed species impact statement and review of the goals of the State Government's Biodiversity 2037 Strategy to address the new Public Authority Duty required by recent amendment to the FFG Act.	0-3	\$20,000	\$0	\$20,000
	1.10	Undertake strategic review of Council's Biodiversity Offset Program (BOP) to determine future direction in line with strategic objectives.	1-2	\$0	\$0	\$0

Theme	Action #	Action	Timeframe	Council Investment Estimate	Grant Funded Estimate	Year 1 Total
Land Use and Changing Climate Page 227	2.3*	Implement sustainable bushfire reduction works which achieve net biodiversity benefit in collaboration with relevant agencies. Incorporate cultural burning practices to support biodiversity improvements.	1-10	\$85,000	\$0	\$85,000
	2.4A*	(2.4) Increase restoration and revegetation activities across the existing bushland reserve network with a focus on improving conservation values, enhancing habitat corridors and supporting threatened species and their habitats through the municipality. (A) For the 559 Bushland managed sites this will be an increase from an average of \$2,400 per site per annum, to \$3,000.	1-10	\$334,325	\$0	\$334,325
	2.4B*	(B) A 15% increase in plant numbers and increased maintenance and pest exclusion to ensure long term climate success.	1-10	\$58,689	\$0	\$58,689
	2.4C*	(C) Control of foxes and rabbits on council land. Foxes and rabbits are not currently managed on council land and there are obligations as land managers under the CALP Act.	1-10	\$40,000	\$0	\$40,000
	2.5*	Foster strong collaboration with other land managers, conservation organisations, Landcare, and community environment groups through representation on multi-agency collaborative committees	1-10	\$0	\$0	\$0
	2.10	Support permanent protection of private land with conservation covenanting in key locations across the municipality. Investigate expansion of program, for identified properties of high ecological value, or deemed inappropriate for development.	1-10	\$0	\$0	\$0
	2.11	Develop an urban greening program, through delivery of Council's Tree Strategy to increase canopy cover.	1-10	\$0	\$0	\$0
	2.12	Review of the Restructure Overlay Plans to determine value proposition from view of future additions to Council's Bushland reserve network.	1-2	\$0	\$0	\$0
	2.15	Support community to undertake annual bushfire preparedness in a biodiversity sensitive manner through delivery of educational material and resources.	1-10	\$0	\$0	\$0
	2.18	Undertake a process review of "First Party Offsets" that utilise a Planning Section 173 Agreement. Process improvements are required to ensure efficiency, best environmental outcomes and compliance with legal obligations by all parties.	1-2	\$0	\$0	\$0

Theme	Action #	Action	Timeframe	Council Investment Estimate	Grant Funded Estimate	Year 1 Total
Pest Plants and Animals	3.2B*	(B) Collaborate with land managers to address the prevalence of feral deer across Yarra Ranges, through partnerships, funding programs and education of residents to achieve an overall reduction in the impact of deer on the environment.	1-10	\$0	\$0	\$0
	3.4*	Promote Yarra Ranges cat curfew and deliver supporting community education regarding impact of cats on wildlife. Investigate mechanisms for enforcement of existing local laws.	1-10	\$0	\$0	\$0
	3.6	Advocate to State Government for listing of feral deer as pests under the CALP Act and provision of adequate funding to support monitoring, control and research within the region.	1-10	\$0	\$0	\$0
People and Nature	4.1*	Support the development of areas suitable for the application of contemporary concepts of Indigenous Ways of Knowing, Being & Doing such as cultural burning. Enhance opportunities for Council and community connection through delivery of cultural awareness program.	1-10	\$0	\$0	\$0
	4.3*	Enhance biodiversity in urban townships through increase in street tree cover and habitat planting, along with expanding community support through Gardens 4 Wildlife	1-10	\$101,500	\$43,500	\$145,000
	4.7	Promote and foster greater uptake in Citizen Science opportunities that align with Council's objectives of obtaining greater understanding of biodiversity values across the Shire.	1-10	\$0	\$0	\$0
	4.8	Enhance environmental interpretation and education opportunities along key tourist destinations, trails and reserves.	1-10	\$0	\$0	\$0
	4.10	Partner with Early Years and Sustainability Teams to develop increased nature-based education opportunities in early learning programs.	1-10	\$0	\$0	\$0
TOTAL (24 Actions)				\$759,514	\$63,500	\$823,014

Vision

“Yarra Ranges is a place of healthy, resilient and connected natural living landscapes. Our community actively care for and feel a deep connection to nature.”



Yarra Ranges Council Nature Plan Years 1-2

What is nature and biodiversity?

Nature defines our natural world of plants, animals, fungi and bacteria, and the ecosystems they are a part of, and the ecological processes they sustain.

Biodiversity describes the genetic diversity within the organisms, populations and species and the diversity within and between the ecosystems that provide habitat for all life forms.

Targets



Yarra Ranges achieves an overall 'net gain' in native vegetation cover by 2034



Triple restoration and revegetation works across private and council-managed land per annum



Increase the conservation value across our bushland reserve network over the next 10 years



Engage at least 200 land stewards in council-led programs each year to improve the biodiversity on their land

Protecting nature

Our inclusive approach

The development of the plan

The Nature Plan 2024-34 (the Plan) establishes guiding principles designed to protect and enhance the unique nature in the Yarra Ranges. Each theme is supported by a set of actions that will enable us to achieve our vision and targets. Extensive community consultation was undertaken during the Plan's development and is reflected in the final Plan.

**Stakeholders include; council advisory committees, land managers and agencies, sector professionals and community groups.*



Working together to build resilience against the changing climate

Our inclusive approach is centered around community consultation during Plan development and continued community engagement during the implementation phase.

Community members are encouraged to engage with Council programs to support biodiversity on their own property, participate in our education programs and volunteer time to a local environmental project.

Council invests significantly to protect the environment through weed control programs; incentive programs supporting positive

environmental outcomes on private land; undertaking statutory functions as required by the planning scheme; and, education and partnership with community volunteers focussed on environmental protection.

For more information on how you can get involved visit yarraranges.vic.gov.au

Why is Yarra Ranges' nature and biodiversity important?

- Yarra Ranges includes some of the most significant environmental areas in Victoria.
- Council plays a critical role in biodiversity conservation, advocacy and partnerships.
- Council-managed bushland areas comprise

Page 230550ha of reserves and 403km of roadsides.

Planning for the next generation

Our priority areas

Guiding Principles

Our natural environment is **deeply valued** and we foster a shared deep **connection** to nature.

We **protect** and **enhance biodiversity** assets through **evidence-based decision making** and monitoring, evaluating and reporting on our progress.

We **collaborate** across tenures and **integrate** traditional owner knowledge and cultural practices.

Landscapes & Ecosystems



Habitats and the biodiversity within are holistically understood to enhance the resilience of native flora and fauna populations, enabling our ecosystems from land and water to flourish.

Rare and threatened species and ecosystems are protected and restored across the landscape, ensuring thriving species in connected habitats.

Land Use & Changing Climate



Statutory and strategic planning processes enable best practice land management through integrated planning.

Partner with our community to build ecosystem resilience for a climate-change ready future.

Pest Plants & Animals



Management of pest plants and animals minimises impacts to native flora, fauna and their ecosystems.

Collaboration and partnerships underpin successful landscape scale pest plant and animal programs across the municipality.

People & Nature



Traditional owners are empowered to engage in cultural land management practices on Country within Yarra Ranges.

Our community has access to and a deep connection with nature; they are inspired to take action to actively care for the environment and create a legacy for our future.

The next two years



Action 1.1

Develop a Biolinks Plan to identify and restore important corridors for biodiversity protection and enhancement across the municipality in partnership with community and agencies.

Action 1.3

Undertake vegetation surveys to measure change in native vegetation cover across Yarra Ranges to report on our target.

Action 1.4

Establish an opt-in monitoring program of biodiversity assets on private land within Yarra Ranges, to better understand the ecological values and inform decision making for statutory and strategic planning.

Action 2.3

Implement sustainable bushfire reduction works which achieve net biodiversity benefit in collaboration with relevant agencies. Incorporate cultural burning practices to support biodiversity improvements.

Action 2.4

Increase restoration and revegetation activities across the existing bushland reserve network with a focus on improving conservation values, enhancing habitat corridors and supporting threatened species and their habitats through the municipality.

Action 3.2

Collaborate with land managers to address the prevalence of feral deer across Yarra Ranges, through partnerships, funding programs, education of residents and advocacy to achieve an overall reduction in the impact of deer.

Action 3.3

Utilise prioritisation matrix, Biolinks Plan and updated levels of service to develop Bushland Reserve Management Plans for high priority reserves, with emphasis on invasive species that drive ecological change.

Action 3.5

Facilitate strategic development of municipal pest action plans as part of legislative requirements, support community pest animal programs and collaborate with the Eastern Region Pest Animal Network.

Action 4.3

Enhance biodiversity in urban townships through increase in street tree cover and habitat planting, along with expanding community support through Gardens 4 Wildlife.

Action 4.4

Support council network of environmental volunteers, including Friends of groups, Landcare networks and others to undertake direct action and community led knowledge sharing of environmental values.

We will keep you updated by monitoring our progress

The Plan will be assessed and reported on regularly to review progress and balance the changing dynamics of our political, social and environmental landscape.

This will enable continuous improvement and adaptive management. For more information see the Nature Plan.

Actions subject to funding availability. For more information please see the Nature Plan. yarraranges.vic.gov.au

2024 COUNCIL MEETING DATES

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

This report provides a proposed schedule of Council meeting dates for the 2024 calendar year. Once considered by Council the meeting schedule will be formally advertised, and details placed on Council's website. Historically, Yarra Ranges Council meetings have been held on a fortnightly cycle, on the second and fourth Tuesday of each month, commencing at 7pm, with a break provided over the Christmas period. This report proposes to retain a fortnightly Council meeting cycle throughout 2024.

The proposed schedule of meetings is included as Attachment 1.

RECOMMENDATION

That Council

1. Adopt the 2024 schedule of Council meetings as follows:

<i>Tuesday 30 January 2024</i>	<i>Tuesday 09 July 2024</i>
<i>Tuesday 13 February 2024</i>	<i>Tuesday 23 July 2024</i>
<i>Tuesday 27 February 2024</i>	<i>Tuesday 13 August 2024</i>
<i>Tuesday 12 March 2024</i>	<i>Tuesday 27 August 2024</i>
<i>Tuesday 26 March 2024</i>	<i>Tuesday 10 September 2024</i>
<i>Tuesday 09 April 2024</i>	<i>Tuesday 24 September 2024</i>
<i>Tuesday 23 April 2024</i>	<i>Tuesday 08 October 2024</i>
<i>Tuesday 14 May 2024</i>	<i>Tuesday 22 October 2024</i>
<i>Tuesday 28 May 2024</i>	<i>Tuesday 19 November 2024</i>
<i>Tuesday 11 June 2024</i>	<i>Tuesday 26 November 2024</i>
<i>Tuesday 25 June 2024</i>	<i>Tuesday 10 December 2024</i>

2. ***Convene all Council meetings to commence at 7pm at the venues listed in Attachment 1 to the report unless otherwise specified in a public notice.***
3. ***Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.***

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose

To consider the schedule of meetings of Council for the 2024 calendar year.

Background

Under the provisions of the Governance Rules, Council must fix the date, time and place of all Council meetings. Council meetings have historically been held on a fortnightly cycle, on the second and fourth Tuesday of each month, commencing at 7pm, with a break provided over the Christmas period.

During the November 2024 period there is a proposed deviation from the fortnightly Council meeting cycle. This is to allow for the induction of the new Council and election of the Mayor following the 2024 Victorian Local Government Elections.

The schedule of Council meetings has been prepared in accordance with the Governance Rules.

Recommended option

That Council adopt the schedule of Council meeting dates for the 2024 calendar year to allow for planning and consistency with current practice.

FINANCIAL ANALYSIS

Costs associated with holding Council meetings can be met from within approved budgets. Changes to the approved schedule of Council meetings, as a result of cancellation or scheduling of additional meetings, or a change to the venue for a meeting, would require public notice to be given and notices in local newspapers will incur additional costs.

RELEVANT LAW

Under the provisions of the *Local Government Act 2020* and Council's Governance Rules, Council must from time to time fix the date, time and place of all Council meetings. There is no similar requirement for Forum meetings.

Once the schedule of meetings has been agreed upon, the Governance Rules provide for:

- Council, by resolution, or the Chief Executive Officer following consultation with the Mayor and Councillors, to change the date, time and place of, or cancel, any Council meeting. Reasonable notice of the change must be provided to the public.
- The Chief Executive Officer to cancel or postpone a Council meeting, should an emergency require this.
- The Chief Executive Officer to call a Council meeting in the case of an emergency.
- The Mayor or at least three Councillors to call a Council meeting by a written notice delivered to the Chief Executive Officer.

SUSTAINABILITY IMPLICATIONS

Economic Implications

There are no economic impacts associated with the approval of the schedule of Council meetings.

Social Implications

Council meetings, whether held in person or virtually, provide members of the community with an opportunity to participate in local democracy. Participation enables a greater understanding of Council's decision-making process and promotes open and transparent government. Given the size of the municipality and the distance some members of the community are required to travel, virtual participation has enabled people to easily and conveniently participate and engage in meetings without leaving their homes.

Environmental Implications

There are no environmental impacts associated with adopting the schedule of Council meetings. Continuation of virtual participation in Council meetings in 2024, together with livestreaming meetings, supports a reduction in the travel requirements of Councillors, officers and members of the community, which in turn could see a reduction in emissions and therefore have a positive impact on environmental factors.

COMMUNITY ENGAGEMENT

There has been no public consultation undertaken in respect of the recommendations within this report. Once adopted, the meeting schedule will be formally advertised, and details placed on Council's website.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Not relevant.

RISK ASSESSMENT

There are no risks associated with the recommendations in this report. Council meetings have historically been held on a fortnightly cycle. Council meetings are open to members of the community to attend and, through livestreaming and offering the opportunity to participate by way of teleconference, Council can continue to ensure those who wish to engage with Council are able to do so as easily as possible.

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. 2024 Yarra Ranges Council Meeting Schedule

Yarra Ranges Council

2024 Schedule of Meetings

Date	No.	Time	Meeting	Venue	Notes
January 30, 2024	595	7:00pm	Council Meeting	15 Anderson St, Lilydale	
February 13, 2024	596	7:00pm	Council Meeting	15 Anderson St, Lilydale	
February 27, 2024	597	7:00pm	Council Meeting	15 Anderson St, Lilydale	
March 12, 2024	598	7:00pm	Council Meeting	15 Anderson St, Lilydale	
March 26, 2024	599	7:00pm	Council Meeting	15 Anderson St, Lilydale	
April 09, 2024	600	7:00pm	Council Meeting	15 Anderson St, Lilydale	
April 23, 2024	601	7:00pm	Council Meeting	15 Anderson St, Lilydale	
May 14, 2024	602	7:00pm	Council Meeting	15 Anderson St, Lilydale	
May 28, 2024	603	7:00pm	Council Meeting	15 Anderson St, Lilydale	
June 11, 2024	604	7:00pm	Council Meeting	15 Anderson St, Lilydale	
June 25, 2024	605	7:00pm	Council Meeting	15 Anderson St, Lilydale	
July 09, 2024	606	7:00pm	Council Meeting	15 Anderson St, Lilydale	
July 23, 2024	607	7:00pm	Council Meeting	15 Anderson St, Lilydale	
August 13, 2024	608	7:00pm	Council Meeting	15 Anderson St, Lilydale	
August 27, 2024	609	7:00pm	Council Meeting	15 Anderson St, Lilydale	
September 10, 2024	610	7:00pm	Council Meeting	15 Anderson St, Lilydale	
September 24, 2024	611	7:00pm	Council Meeting	15 Anderson St, Lilydale	
October 08, 2024	612	7:00pm	Council Meeting	15 Anderson St, Lilydale	
October 22, 2024	613	7:00pm	Council Meeting	15 Anderson St, Lilydale	
November 19, 2024	614	7:00pm	Council Meeting*	15 Anderson St, Lilydale	*Mayoral Election
November 26, 2024	615	7:00pm	Council Meeting	15 Anderson St, Lilydale	
December 10, 2024	616	7:00pm	Council Meeting	15 Anderson St, Lilydale	

All Council Meetings will be fully hybrid, livestreamed and held at the Chamber, Civic Centre, 15 Anderson St, Lilydale.

COUNCILLOR APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES

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

Each year Council appoints representatives to a number of committees and external bodies.

Approval is sought to appoint Council representation to the committees and external bodies listed for the period December 2023 to October 2024.

A list of the appointments recommended to be made to committees and external bodies is included at Attachment One.

RECOMMENDATION

That Council approve the appointment of representatives to committees and external bodies for the period December 2023 to October 2024, as per Attachment 1 to the report.

RELATED COUNCIL DECISIONS

Current appointments to committees and external bodies were made at the Council meeting held on 13 December 2022.

DISCUSSION

Purpose and Background

The appointment of representatives to committees and external bodies ensures that the interests of Council can continue to be properly represented, together with those of the wider community. As delegates, Councillors are provided with an opportunity at each Council Meeting to provide verbal reports in respect of their attendance at meetings of the committees and external bodies to which they have been appointed.

Requirements for all appointees representing Council

In considering the appointments to committees and external bodies, it is important that Councillors:

1. Clearly understand the basis of their appointment.
2. Commit to attending meetings of committees and external bodies they have been appointed.
3. Recognise the differences in their obligations as a delegate or member of the governing body of an external organisation.
4. Understand that in claiming any reasonable, bona-fide out of pocket expenses incurred as a result of their appointment, they are required to sign a declaration that they have not received reimbursement from any other sources.
5. Understand that the provisions of the Councillor Code of Conduct apply when representing Council on external organisations.
6. Are aware that the *Local Government Act 2020* and Local Government (Integrity and Governance) Regulations 2020 provide for an exemption from the conflicts of interest requirements for Councillors, where an interest only arises because they are the representative of Council on a not-for-profit organisation, and they receive no personal advantage or remuneration from the not-for-profit organisation.
7. Report back to Council on meetings they have attended of the body or organisation they have been appointed to and ensure minutes are made available to their fellow Councillors. Provision is made on the agenda of each Council Meeting for this to occur.

FINANCIAL ANALYSIS

Any costs associated with a Councillor's role as delegate can be met from within approved operational budgets.

APPLICABLE PLANS AND POLICIES

The appointment of representatives to the committees and external bodies listed ensures that the interests of Council continue to be properly represented, together with those of the wider community, and therefore contributes to meeting Council's strategic objectives.

RELEVANT LAW

Advisory committees are defined in the *Local Government Act 1989* as being any committee established by the Council, other than a special committee, that provides advice to the Council or a special committee or a member of Council staff who has been delegated a power, duty or function of the Council.

SUSTAINABILITY IMPLICATIONS

Economic Implications

There are no economic impacts associated with this report.

Social Implications

Councillors can attend and report back to Council on the meetings, activities and events of the committees and external bodies to which they have been appointed.

Environmental Implications

There are no environmental impacts associated with this report.

COMMUNITY ENGAGEMENT

No community consultation has been undertaken in respect of the recommendations in this report. The committees and external bodies listed within the attachment to this report will be notified of appointments once made by Council.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Not relevant.

RISK ASSESSMENT

Councillors should consider the implications and responsibilities of being involved with committees and external bodies, as they must:

- Continue to comply with the Councillor Code of Conduct when acting as a representative of the Council.
- Comply with any code of conduct of the committee or external body they are appointed to if one exists.
- Councillors are recommended to ensure that when they take up their appointment with a committee or external body, they have access to the key documents regulating the organisation, such as its constitution or terms of reference, to ensure they are aware of what the body can and cannot do, and receive a briefing on the body or their role within it if necessary.
- A risk exists if a delegate were to not regularly attend meetings of the body they have been appointed to. This could present a reputational risk for Council and furthermore hinder Council in furthering its priorities and those of the community.

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. Appointments to External and Other Bodies 2023-2024

Appointments to Committees and External Bodies

Committee	Term	2023/24 Councillors
Agribusiness Yarra Valley (One representative required and one substitute)	1 year	Cr Eastham Cr McAllister (sub)
Audit and Risk Management Committee (Two representatives required)	1 year	Cr Child Cr McAllister
Burrinja (One representative required)	1 year	Cr Fullagar
Disability Advisory Committee (Two representatives required, one as Chair)	4 years	Cr Cox (Chair) Cr Higgins. Appointed on 8 December 2020 for a four-year term. Reappointment is not required until October 2024.
Eastern Affordable Housing Alliance (One representative required)	2 years	Cr Heenan Cr Todorov (sub)
Eastern Alliance of Greenhouse Action (One representative required)	1 year	Cr Skelton
Eastern Transport Coalition (One representative required as Chair, and one substitute)	1 year	Cr Fullagar Cr Higgins (sub)
Health and Wellbeing Advisory Committee (One representative required as Chair, and one substitute)	1 year	Cr Todorov (Chair) Cr Fullagar (sub)
Indigenous Advisory Committee (Two representatives required)	1 year	Cr Skelton Cr McAllister
Interface Councils (Mayor required as representative and Deputy Mayor as substitute)	1 year	Cr Todorov Cr Eastham (sub)
Jack Hort Memorial Indoor Pool Management Committee (Ryrie Ward Councillor to be appointed)	2 years	Cr McAllister Appointed 13 December 2022 for a two year term.
Metropolitan Education Traffic Centre (METEC) Board (One representative required)	2 years	Cr Higgins Appointed 13 December 2022 for a two year term.

Appointments to Committees and External Bodies

Committee	Term	2023/24 Councillors
Municipal Association of Victoria (Two representative required)	1 year	Cr Child Cr Todorov (sub)
Municipal Emergency Management Planning Committee (One representative required and one substitute)	1 year	Cr Child Cr Todorov (sub)
Municipal Fire Management Planning Committee (One representative required and one substitute)	1 year	Cr Child Cr Skelton (sub)
Positive Ageing Reference Group (One representative required)	Appointed for the term of office (four years).	Cr Higgins Cr Skelton (sub) Cr Higgins was appointed on 8 December 2020. Appointment is not required until 2024 however Cr Skelton is newly appointed.
Rural Advisory Committee (One representative required as Chair and one substitute)	2 years	Cr Eastham (Chair) Cr McAllister (sub) Appointed on 13 December 2022 for a 2 year term.
Sustainable Environment Advisory Committee (Two representatives required, one as Chair)	1 year	Cr Skelton (Chair) Cr Fullagar (sub)
Yarra Ranges Regional Museum Trust (Two representatives required)	1 year	Cr Higgins Cr Heenan
Yarra Valley ECOSS (One representative required)	1 year	Cr Child
Your Library Est June 2022 – formally known as Eastern Regional Libraries Corporation (Two representatives required)	1 year	Cr Fullagar Cr Child

YARRA VALLEY TRAIL STAGE 1B TENDER EVALUATION

Report Author: Project Manager - Yarra Valley Trail
Responsible Officer: Director Built Environment & 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

Confidential information is contained in Attachment 1. This information relates to contractual matters and contains commercially sensitive information including, but not limited to, the name of tendering parties, the evaluation panel members, and the evaluation of the EOI tenders received against the published evaluation criteria.

Any disclosure of the information included within the confidential attachments to this report could be prejudicial to the interests of the Council or other parties. If a discussion of any of this confidential information is required, the Council is recommended to resolve that item by having it 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 summarises the evaluation process taken and seeks Council approval for the construction of a new 1.2 km long shared path trail north of MacIntyre Lane, Yering. This construction constitutes stage 1B.1 of the Yarra Valley Trail project.

An advertisement calling for tenders was placed in The Age newspaper on Saturday 30 September 2023.

Tenders closed on Wednesday 1st November 2023 and three (3) tenders were received.

This item has been included in the public agenda to facilitate the 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 while the meeting is open to the public

The recommendation in this report has been formally endorsed by the tender evaluation panel.

RECOMMENDATION

That

1. ***Council awards the tender from Cope Ag Pty Ltd for a total lump sum price of \$1,584,311.00 exclusive of GST (\$1,742,742.10 inclusive of GST) for Contract CT7360 Yarra Valley Trail Stage 1B.1.***
2. ***The Director Built Environment and Infrastructure be delegated authority to sign the contract documents.***
3. ***The confidential attachment to this report remain confidential indefinitely as it relates to matters specified under section section 3(1)(g)(i)(g)(ii) of the Local Government Act.***

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose

The purpose of this report is to seek Council approval to enter into a contract for the design and construction of Yarra Valley Trail Stage 1B.1 under contract CT7360.

This tender includes the following:

- Project management and authority approvals.
- Demolition and removal of remaining railway sleepers, railway line and fixtures including stockpiling of steel for future heritage railway reuse.
- Detailed design certified by a structural engineer including demolition, testing, strengthening and re-construction methodology for the two (2) existing timber trestle bridges.
- Repair, strengthening and reconstruction of two historic timber trestle railway bridges.
- Construction of approximately 1.06 kilometres of 3.0 metres wide crushed rock path, with crushed rock shoulders.
- Installation of approximately 2.1 kilometres of partial barrier timber and wire fencing either side of the crushed rock path along the earth viaduct.
- Fencing to include flood risk gates at the MacIntyre Lane end of the trail, self-closing stock control gates, and stock evacuation gates.

Background

This project was identified in various Council adopted strategies including the Hike and Bike Plan 2005 and the Eastern Regional Trails Strategy 2018. The Stage 1 was described in the Yarra Valley Trail Feasibility Study Report and the Yarra Valley Trail Impact Assessment.

The 7.5km Stage 1A was completed in December 2019. Following a VCAT hearing the Planning Permit for Stage 1B was issued in February 2023.

Options considered

The procurement method for this tender was a single stage competitive open tender. An advertisement calling for tenders was published on Council's online e-tendering portal and placed in The Age newspaper on Saturday 30 September 2023. Tenders closed on Wednesday 1st November 2023 and three (3) tenders were received.

The tender process has been carried out in accordance with the requirements of Council's Procurement Policy. Tenders were assessed for conformity with the tender documents. A summary of these tender submissions is contained within the confidential attachment to this report. The evaluation panel scored the tenders against the pre-established evaluation criteria, as published in the tender document. A summary of the evaluation criteria follows:

- Tendered Price - 40%
- Capability & Capacity to Undertake Work - 20%
- Commitment to Quality & Sustainability - 10%
- Timeframes - 30%

Recommended option and justification

Following an extensive evaluation process as detailed in Confidential Attachment 1, the tender evaluation panel are unanimous in their decision to recommend the tender from Cope Ag Pty Ltd for a total contract sum price of \$1,584,311.00 exclusive of GST.

FINANCIAL ANALYSIS

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

- \$2.5M Yarra Ranges Shire Council;
- \$2.5M Growing Suburbs Fund (DELWP);
- \$2.5M Regional Growth Fund;
- \$1.0M Eastern Metropolitan Partnership (DELWP). The Eastern Metropolitan (for Stage 1A only).

The tender price is within project budget and Quantity Surveyor estimate.

APPLICABLE PLANS AND POLICIES

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

- **Connected and Healthy Communities:** Communities are safe, resilient, healthy, inclusive and socially well connected. Quality services are accessible to everyone.
- **Quality Infrastructure and Liveable Places:** Quality facilities and infrastructure meets current and future needs. Places are well planned and are hubs of activity that foster wellbeing, creativity and innovation.
- **Vibrant Economy, Agriculture and Tourism:** Our tourism, agriculture, health, manufacturing and other industries are leading and dynamic. Strong investment and attraction underpin sustainable economic growth and job creation.

A Council Major Initiative for 2021-2025 is to become a world class trails and eco-tourism destination through project development, delivery, advocacy and partnerships, including the delivery of the Ridges and Rivers projects. The desired community outcome is a trail network that provides locals with improved connections and recreation options to help improve health outcomes and active transport alternatives. It will also create a tourism destination to support economic growth. Council will achieve this by delivering projects including the Warburton Mountain Bike Destination, Yarra Valley Trail, ngurrak barring/RidgeWalk, Olinda Creek Trail, Brushy Creek Trail upgrade, Nelson Road Shared User Path and Millgrove River Trail. Continuing funding advocacy for other trails.

RELEVANT LAW

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

SUSTAINABILITY IMPLICATIONS

Local and social sustainability was considered as part of the evaluation process. The preferred tenderer has four staff who live within Yarra Ranges and the tenderer has indicated that 25% of their construction materials will be sourced from within Yarra Ranges. Their civil subcontractor is based within Yarra Ranges.

COMMUNITY ENGAGEMENT

An overview of the Yarra Valley Trail project, background reports, project updates and frequently asked questions are publicly available on the Ride Yarra Ranges / Yarra Valley Trail website.

The tender requires the successful contractor to prepare a Communications Plan, as per the Planning Permit Condition, between the Contractor, Council, VicTrack and the Adjoining Owner covering the conduct of construction, including:

- Sequencing of the works to allow underpass access for the adjoining landowner's stock between the eastern and western parcels of land comprising the Adjoining Land.
- Consultation with and on-going notice of works as they progress, with the Adjoining Landowner to the satisfaction of Council.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No collaboration with other Councils, Governments or statutory bodies was sought.

RISK ASSESSMENT

An overall Yarra Valley Trail Risk Register has been kept updated since the beginning of the project.

The CT7360 tender documents included:

- An OH&S Hazard Identification Report (Identified risks including demolition of railway infrastructure, underground services, traffic management, working at heights, working over water, hazardous substances, stock management).
- Environmental Management Plan (VicTrack Guideline).
- Draft Flood Response Plan (Melbourne Water requirement to be finalised on completion of project).

The successful tenderer is required to complete a Construction & Environmental Management Plan to be approved by Council, Melbourne Water and VicTrack prior to commencing any on-site works.

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. CT7360 Yarra Valley Trail Stage 1B.1 Tender Evaluation

Confidential Item

EOI6105 7285 ALFRED STREET AND JOHN STREET, WANDIN NORTH ROAD IMPROVEMENTS 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 Alfred Street and John Street, Wandin North - Road Improvements Special Charge Scheme and seeks Council approval to award the contract for construction to Foley Services 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, Councils 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. Alfred Street and John Street, Wandin North 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 Alfred Street and John Street, Wandin North, in accordance with Council's Special Charge Scheme Policy. The project has been listed in Council's 2023/24 and 2024/25 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 Foley Services Pty Ltd for the total lump sum price of \$1,224,870.50 (Ex. GST and inclusive of provisional items), \$1,347,357.55 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 Alfred Street and John Street, Wandin North.
- Council meeting 27 September 2022 – Council declared the Special Charge Scheme for Alfred Street and John Street, Wandin North.
- Council meeting 11 April 2023, Council considered a report for seven Special Charge Schemes that will proceed to construction. Alfred Street and John Street was included in one of the seven Special Charge Schemes to proceed to construction.

DISCUSSION

Purpose

To seek Council approval to award EO16105 7285 Alfred Street and John Street, Wandin North - Road Improvements 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 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 November 2023, Council invited six (6) pre-qualified suppliers from the Road Construction and Associated Works Panel to submit their pricing for the EOI6105 7285 Alfred Street and John Street, Wandin North - Road Improvements Special Charge Scheme.

The tender process remained open for 10 business days, closing on 22 November 2023 and four (4) 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	70%
Resourcing	10%
Timeframes	20%
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 Foley Services Pty Ltd for the Tender Price inclusive of provisional items. Foley Services 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 of \$1,224,870.50 (Ex. GST and inclusive of provisional items), \$1,347,357.55 inclusive of GST and all provisional items.

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.
- 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 September 2024.

APPLICABLE PLANS AND POLICIES

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

The proposed works will require the removal of 11 native trees and have 3 canopy trees at risk. Works will be undertaken under the supervision of an arborist to attempt to retain the three trees at-risk.

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 Alfred Street and John Street, Wandin North 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 Alfred Street and John Street, Wandin North 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

An officer previously acting on behalf of Council as part of the Roads for the Community Initiative has been recently employed by a pre-qualified supplier from the Road Construction and Associated Works Panel who was invited as part of tender process. The Evaluation Panel confirmed that the officer was not involved in the preparation and/or authorisation of this report.

No officers on the evaluation panel and/or delegates acting currently 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. Evaluation Report

Confidential Item

VARIATION TO LEASE - LYREBIRD COLLEGE, COLDSTREAM

Report Author: Coordinator Property
Responsible Officer: Director Built Environment & 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

In July 2019 Lyrebird College commenced a land-only lease on Council land at 12 Kelso Street, Coldstream following an extensive community consultative process culminating in a Council resolution to grant a 9-year lease, later extended to a 19-year lease in April 2021. The lease fee at that time was set based on a commercial valuation of the site.

Lyrebird College has approached Council seeking a review of the lease fee, with the aim of reducing overheads to ensure the ongoing financial viability of the service, and on the basis that the lease is for land only, meaning that full responsibility for the construction and ongoing maintenance of all improvements on the site sits with the tenant.

Officers propose an adjustment in the yearly rental fee on the basis that the amended figure remains consistent with the provisions of Council's Leasing and Licensing Policy for tenancies which meet the criteria for 'Discounted Community Rent Facilities', and that Council holds no maintenance responsibility for the premises.

RECOMMENDATION

That

1. ***Council enter into a Deed of Variation to Lyrebird College Incorporated's land-only lease at 5/12 Kelso Street Coldstream to amend the rental fee in line with Council's Leasing and Licensing Policy.***
2. ***The Executive Officer Property & Facilities Management be authorised to sign all paperwork relating to the Deed of Variation to the lease.***
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

18 December 2018 – Council resolved to commence a community consultation process seeking community views on its proposal to offer a land-only lease to Lyrebird College for a term of 9 years.

26 February 2019 – Council resolved to grant a land-only lease to Lyrebird College for a term of 5 years plus and further optional term of 4 years, at a discounted community rate in line with the Leasing and Licensing Policy for use as an education facility for children with an Autism. The lease was commenced in July 2019.

27 April 2021 – Council resolved to extend the current land-only lease to Lyrebird College Limited over Part 12 Kelso Street, by an additional two (2) terms of five (5) years, for continued use as an education facility for children on the autism spectrum.

DISCUSSION

Purpose and Background

Lyrebird College is an independent school established to meet the specific needs of children with an Autism Spectrum Disorder. Established in 2019, it offers placement to a maximum of 14 students with a high staff to student ratio, maximising learning potential in a highly specialised setting.

The school was granted a land-only lease over a greenfield Council owned site at 5/12 Kelso Street, Coldstream upon which the campus was constructed. The use of the site was viewed as complementary to the existing facilities, which include a primary school, kindergarten, Maternal and Child Health facility and community hall, thus adding to the precinct's education focus. All building and other improvements on the site were constructed by the school, who remain entirely responsible for full ongoing maintenance of those assets.

The fee negotiated at the commencement of the lease was based on a commercial valuation of the land. Commercial details are outlined in the confidential attachment to this report.

In recent months, the school has approached Council seeking a review of the lease fee with the aim of reducing overheads and ensuring the financial viability of the school ongoing. The proposed reduced rental fee would remain consistent with the provisions of the Leasing and Licensing Policy, which allows for tenancies classified as 'Discounted Community Rent Facilities' to be negotiated at a fee between 0.1% of the market value, to the full market value of the site.

Officers propose that an amendment to the fee would be justified due to:

- The school being a not-for-profit organisation and registered as a charity by the Australian Charities and Not-for-profits Commission.
- The school meeting the criteria as a Discounted Community Rent Facility under Council's Leasing and Licensing Policy.
- The lease being for land only, where responsibility for the construction and ongoing maintenance of all buildings and other improvements on site are entirely the responsibility of the tenant.

This proposal to seek Council endorsement to this amendment is based on the initial approval for the lease having been a decision of Council.

Options considered

- Continuation of current fee schedule, as per the terms of the lease agreement

The current rental fee was negotiated with the Lyrebird College prior to the commencement of their land-only lease in 2019 based on a commercial valuation of the land. Council has no obligation to make any amendment to the rental fee.

- Reduce the lease fee within the parameters of the Leasing and Licensing Policy.

Under the Leasing and Licensing Policy (the Policy), Lyrebird College meets the criteria as a 'Discounted community rent facility', meaning the applicable fee is able to be negotiated between 0.1% of the full commercial rate, up to the full commercial rate. The Policy therefore supports the proposed amendment to the lease fee.

Lyrebird College is a 'Land-only' lease, meaning that all improvements on site are owned by Lyrebird College and are entirely the responsibility of the College to maintain. As a lease for the land only, Council's maintenance responsibility for the premises is limited to preparing the Annual Essential Safety Measures Report (AESMR), which simply involves receiving inspection records required by the schedule of Essential Safety Measures, verifying that the inspections or services have been undertaken.

Recommended option and justification

It is recommended that Council implement an amended rental fee due to:

- The proposed level of the revised fee being consistent with the provisions of the Leasing and Licensing Policy for 'Discounted Community Rent Facilities'
- The lease being for land only, with Council holding no maintenance responsibilities for the premises.
- Lyrebird College holding not-for-profit and charity status.

FINANCIAL ANALYSIS

The rental fee agreed in 2019 was negotiated at a 'Discounted Community Rate' in line with the Leasing and Licensing Policy, which applies to tenancies meeting set criteria.

The Leasing and Licensing Policy provides that Discounted Community Rate fees may be negotiated within a range from 0.1% of the full commercial rental value of the premises, up to the full commercial value of the premises. The proposed reduction of the lease fee remains consistent with the provisions of the Policy.

It is proposed that the lease be amended by way of a variation to the lease in order to apply the community rate for the remainder of the lease term. The fee negotiated at the commencement of Lyrebird College's lease was based on a commercial valuation undertaken for the land. Commercial details regarding the current and proposed rental fees are in the confidential attachment to this report.

APPLICABLE PLANS AND POLICIES

All Council leases and licences are undertaken in line with its Leasing and Licensing Policy, and with its obligations under section 115 of the Local Government Act 2020.

RELEVANT LAW

Section 115 of the Local Government Act 2020 requires that Council must include any proposal to lease land in a financial year in the budget, or undertake a community consultation process in line with its Community Engagement Policy, where the lease is for one year or more and:

- the rent, or market rental value, for any period of the lease is \$100,000 or more a year; or
- the lease is for 10 years or more.

Upon proposing an extension to the term of the lease to a total of 19 years in 2021, Council undertook an engagement process in accordance with the provisions of the Act.

As the current proposal is only to amend the rental fee to an amount which remains within the parameters set out in the Leasing and Licensing Policy, there is no intention to undertake further community engagement process regarding this proposal.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The amendment to the lease fee is proposed to assist in ensuring the ongoing financial viability of the school, which provides a valuable service for children with complex needs who require high levels of support.

Social Implications

Lyrebird College was established to meet the educational needs of children with Autism Spectrum Disorder in the Yarra Valley region. The proposal to amend the lease fee is proposed to assist in keeping the school financially viable by reducing overheads, and thus allowing continuation of the service into the future.

Environmental Implications

The proposal to amend the lease fee does not carry any particular environmental implication.

COMMUNITY ENGAGEMENT

Before implementing the original lease in 2019, Council undertook a community engagement process similar to that which was outlined in former s223 provisions of the 1989 version of the Local Government Act. Though not strictly meeting the threshold for an engagement process under the Act, the engagement was undertaken due to the changing use of the land, the potential of the project having some amenity impact on adjacent residents, and the new construction planned by the school potentially making it a long-term fixture at the site.

In 2021, Council undertook a community engagement process in line with the provisions of s115 of the updated Local Government Act 2020, regarding a proposal to extend to exceed the 10-year threshold set out in the Act.

As the current proposal doesn't affect the term of the lease but is to amend the rental fee to an amount which remains consistent with the Leasing and Licensing Policy only, there is no proposal to undertake a community engagement process on this occasion.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Not relevant.

RISK ASSESSMENT

No risk assessment has been undertaken in relation to this item.

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. Variation to Lease Commercial Detail

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 - Stephen Pike

A letter under seal has been prepared in recognition of Stephen Pike who is retiring after 22 years of service with Yarra Ranges Council, working as a Works Supervisor.

RECOMMENDATION

That the following listed document be signed and sealed:

Letter Under Seal - Stephen Pike

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. 21 November 2023 - Review of Complex Planning Matters
2. 21 November 2023 - Council Briefing
3. 21 November 2023 - Council Forum

Informal Meeting of Councillors

Public Record



Meeting Name:	Review of Complex Planning Matters	
Date:	21 November 2023	Start Time: 5.35pm Finish Time:5.47
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference	
Attendees:	Councillors:	Sophie Todorov (Chair), Jim Child, Len Cox, Andrew Fullagar, Johanna Skelton(From 5.42pm) and Fiona McAllister
	CEO/Directors:	Tammi Rose, Kath McClusky, Corinne Bowen(Acting Director Communities), Hjalmar Philipp and Andrew Hilson
	Officers:	Gina Walter, Sarah Candeland, Ben Waterhouse and Amanda Kern
	Externals:	Nil
Apologies	David Eastham (Deputy Mayor), Richard Higgins and Tim Heenan	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> • Nil 	
Matter/s Discussed:	1.2	YR-2023/614 - Kingswood Drive (Road Reserve), Chirnside Park - Planning Report
Completed By:	Gina Walter	

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Briefing		
Date:	21 November 2023	Start Time: 5.48pm	Finish Time:6.17pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference		
Attendees:	Councillors:	Sophie Todorov (Chair), Jim Child, Len Cox, Andrew Fullagar, Johanna Skelton and Fiona McAllister	
	Via Zoom:	Richard Higgins	
	CEO/Directors:	Tammi Rose, Kath McClusky, Corinne Bowen(Acting Director Communities), Hjalmar Philipp and Andrew Hilson	
	Officers:	Gina Walter, Sarah Candeland and Ben Waterhouse	
	Externals:	Nil	
Apologies	David Eastham (Deputy Mayor) and Tim Heenan		
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 28 November 2023 Council Meeting.		
	10.1	Planning Application YR-2023/614 - Kingswood Drive (Road Reserve), Chirnside Park - Planning Report	
	10.2	Warburton Urban Design Framework – Post-Consultation and Consideration	
	10.3	Monbulk Urban Design Framework – Post-Consultation and Consideration	
	10.4	Neighbourhood Safer Places	
	10.5	CT7369 – Microsoft 365 Licensing Agreement State Purchase Contract DPC-ICT-04-2020	
	10.6	Quarterly Finance Report - September 2023	
	10.7	Gruyere Road, Gruyere - Road Construction	
	10.8	Maddens Lane, Gruyere- Road Rehabilitation	
	10.9	EOI6105 7181 Cedar Court, Burns Way (Includes harvest Close), Loch Avenue, Mayview Drive, Monbulk	
Completed By:	Gina Walter		

Assembly of Councillors

Public Record



Informal Meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	21 November October 2023	Start Time: 7.06pm Finish Time 10.30pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonereference	
Attendees:	Councillors:	Sophie Todorov (Chair), David Eastham (Deputy Mayor) (From 7.39pm), Jim Child, Len Cox(Excited Chamber at 9.42pm), Andrew Fullagar, Johanna Skelton, Tim Heenan(Exited the chamber at 10.26pm) and Fiona McAllister(Excited Chamber at 10.18pm and returned at 10.20pm)
	Via Zoom:	Richard Higgins
	CEO/Directors:	Tammi Rose, Kath McClusky, Corinne Bowen(Acting Director Communities), Hjalmar Philipp and Andrew Hilson
	Officers:	Gina Walter, Sarah Candeland, Ben Waterhouse, Abby McCarthy, Jane Sinnamon, Joanne Hammond, Phil Murton, Cindy Dunbar, Jonathon Makaay, Joseph John and Kim O'Connor
	Via Zoom:	Clint Hong, Matt Harrington, James Lenihan and Bumeke Jayasinghe
Externals:	Nil	
Apologies	Nil	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> Nil 	
	2.0	Matters for Discussion
	2.1	Action and Agreement Record - 31 October 2023
	2.2	Action and Agreement Record - 8 November 2023
	2.3	Councillor Discussion Time
	2.4	Advocacy Update, Agenda Review and Stakeholder Engagement Plan
	2.5	Ridges and Rivers Funding Update
	2.6	Petition Response - Stuart Road, East Warburton - Reinstatement of Access
	2.7	Unsealed Road Management

Assembly of Councillors

Public Record



Completed By:	2.8	Roads Sealing Prioritisation List and Special Charge Scheme Policy Review
	3.0	For Noting
	3.1	Variation to lease - Lyrebird College
	3.2	Road Discontinuance and Transfer part Ormond Street (abutting 2 Edward Street, Healesville)
	3.3	Quarterly Corporate Services Reporting
	3.4	Indicative Forum & Council Meeting Schedule
	4	Mayor & CEO Update
	5	General Business
	6	Late Items and Urgent Business
Completed By:		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.

RECOMENDATION

That in accordance with section 66(2)(a) of the Local Government Act 2020, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 3(1), as specified below.

17.1 Biodiversity Offset Proposal

Item 17.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (a) Council business information, being information that would prejudice the Councils position in commercial negotiations if prematurely released.

17.2 Advanced Waste Project Update

Item 17.2 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (a) Council business information, being information that would prejudice the Councils position in commercial negotiations if prematurely released.

Confidential Item

Confidential Item

18. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 30 January 2024 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.