

Council Meeting

Agenda

Tuesday, 26 November 2024

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 and waterways.

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: Gareth Ward
Chirnside Ward: Richard Higgins
Lyster Ward: Peter McIlwain
Melba Ward: Mitch Mazzarella

O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Jeff Marriott
Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Leanne Hurst

Director Corporate Services, Kim O'Connor
Director Planning and Sustainable Futures, Kath McClusky

GOVERNANCE RULES

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

PUBLIC PARTICIPATION IN MEETINGS

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

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

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

LIVE STREAMING AND RECORDING OF MEETINGS

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Opinions or statements made during the course of a meeting are those of the particular individuals. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of meetings. While Council will use its best endeavours to ensure the live stream and Council's website are functioning, technical issues may arise which may result in Council temporarily adjourning the meeting or, if the issue cannot be resolved, adjourning the meeting to another date and time to be determined.

A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

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

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EVACUATION PROCEDURES

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

CONTACT US

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

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YARRA RANGES COUNCIL

**AGENDA FOR THE 615TH COUNCIL MEETING TO BE HELD ON TUESDAY
26 NOVEMBER 2024 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE / VIA VIDEOCONFERENCE**

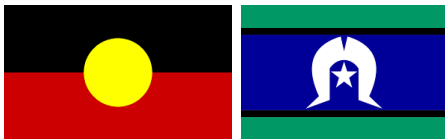
1. MEETING OPENED

2. ACKNOWLEDGEMENT OF COUNTRY

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

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.

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3. INTRODUCTION OF MEMBERS PRESENT

OUR COUNCILLORS

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Director Corporate Services, Kim O'Connor
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. 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.

5. MAYORAL ANNOUNCEMENTS

7. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meeting held Tuesday 19 November 2024, as circulated, be confirmed.

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.

PETITION TO COUNCIL

Report Author: Senior Governance Officer
Responsible Officer: Director Corporate Services
Ward(s) affected: Streeeton

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

CONFIDENTIALITY

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

SUMMARY

The following petition be received:

General Petition

1. The introduction of a Special Charge Scheme for Sealing the Private Access Way from 12 Ornata Road to 19 and 23 Ornata Road, Mount Dandenong.
7 valid signatures.

RECOMMENDATION

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

1. ***The introduction of a Special Charge Scheme for Sealing the Private Access Way from 12 Ornata Road to 19 and 23 Ornata Road, Mount Dandenong.***

NEIGHBOURHOOD SAFER PLACES OR PLACES OF LAST RESORT ANNUAL REPORT

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

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

CONFIDENTIALITY

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

SUMMARY

This report is seeking Council to endorse the designation of Bushfire Shelter options within the municipality of Yarra Ranges.

The annual audit has been completed for all identified Neighbourhood Safer Places – Bushfire Places of Last Resort (NSP_BPLR) in Yarra Ranges. Nineteen sites have been audited and are deemed compliant for designation as NSP-BPLR for the 2024/2025 fire danger period.

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

This fire season one additional NSP-BPLR site has been reinstated, the Seville Recreational Reserve, first oval, making 19 sites in total, and 3 CFR sites established for the 2024/2025 fire danger period.

RECOMMENDATION

That Council supports and endorses the designation of 19 Neighbourhood Safer Places – Bushfire Places of Last Resort for the 2024/2025 fire danger period as deemed under the Country Fire Authority Act 1958.

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose and Background

Yarra Ranges municipality is known as one of the highest risk bushfire areas in Victoria. As part of a holistic bushfire community safety approach there are a number of identified locations across the municipality that are flagged as NSP-BPLR. This is in accordance with the Country Fire Authority Act, that Victorian Councils are to identify, designate, establish and maintain suitable sites as NSP-BPLR in their municipal districts. NSP BPLR are locations where the community can gather that may provide some protection from direct flame and heat in a bushfire, when all other personal bushfire plans have failed.

The CFA conducts an annual assessment of each NSP-BPLR in collaboration with Victoria Police and a Council representative, to ensure compliance with the assessment guidelines. NSP-BPLR is not intended to replace a personal bushfire survival plan. The CFA advises that there is no guarantee that people will not be injured or killed by fire or radiant heat when traveling to or sheltering at the NSP-BPLR. Following the introduction of NSP-BPLR legislation Yarra Ranges Council currently has 19 NSP-BPLR locations within the municipality, which they maintain.

In comparison, CFRs are operated and maintained by the state government and are buildings that are modified, or purpose built to protect from heat and embers. CFRs are only open if there is a serious enough threat of fire in the location area and are a last resort location. The Yarra Ranges municipality has 3 of the 5 existing CFRs in state.

Options considered

This is a legislative requirement under *Country Fire Authority Act 1958*.

Recommended option and justification

Council acknowledges the annual review of NSP-BPLR and endorses the designation of 19 NSP-BPLR sites within Yarra Ranges municipality for 2024/2025 fire danger period.

FINANCIAL ANALYSIS

There are minimal costs for annual inspections, installation and maintenance of signage and NSP-BPLR sites, the annual inspections ensure that sites comply with the assessment criteria. All sites are subject to ongoing maintenance and are part of operational budget.

APPLICABLE PLANS AND POLICIES

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

Connected and Healthy Communities

- Yarra Ranges Municipal Emergency Management Plan (MEMP)
 - As a legislated under the Emergency Management Act 2013 this municipal-wide multi-agency plan, the MEMP, sets out local emergency management arrangements, of which an Annual Fire Readiness program is required. This report links to the MEMP through the Annual Fire Readiness program and its actions provide broadscale community safety options for at-risk bushfire locations.

RELEVANT LAW

Country Fire Authority Act 1958 – S50J

SUSTAINABILITY IMPLICATIONS

Economic Implications

In meeting the criteria for ongoing designation as an NSP-BPLR, no economic impacts are expected as a result. The operational budget meets any requirements for maintenance and upkeep of all sites.

Social Implications

The social impacts of designated NSP-BPLR are minimal, until its use during an emergency. Should communities or visitors not have an appropriate bushfire survival plan on high-risk days, these sites offer a place of last resort location that provides a safer option to self-evacuate in the event of a bushfire.

Environmental Implications

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

COMMUNITY ENGAGEMENT

The Country Fire Authority, Victoria Police, relevant landowners/managers, community and Yarra Ranges Council staff are consulted during the NSP-BPLR assessment process.

Council publishes these sites on the state Government gazette; the CFA website and Council website lists all designated bushfire shelter locations in Yarra Ranges, this list is updated annually. As part of community awareness and broader personal bushfire safety messaging CFA recommends that each household has a personal bushfire survival plan that seeks to only use NSP-BPLR as a last life-threatening option.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

In meeting the criteria for ongoing designation of NSP-BPLR, each year a risk assessment is carried out by the Council, Country Fire Authority and Victoria Police representatives to ensure that designated NSP=BPLR still meet relevant criteria.

Installation of updated signage continues in consultation with CFA to improve accessibility. This has been commended by CFA as an innovative approach.

RISK ASSESSMENT

All NSP-BPLR within Yarra Ranges have been reassessed. They have been found to comply with the assessment guidelines and will be available for use by the community for 2024/2025 fire danger period.

Ongoing Community education and information from all relevant fire agencies provide consistent key messages to highlight the role of NSP-BPLR. NSP-BPLR are places of last resort and do not replace the need for residents to have a bushfire survival plan.

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. Neighbourhood Safer Place - Bushfire Places of Last Resort (NSP-BPLR) within Yarra Ranges municipality.

There are nineteen (19) designated Neighbourhood Safer Places-Places of Last Resort, (NSPPLR) within Yarra Ranges Municipality to retain designation for the 2024/2025 fire danger period.

Neighbourhood Safer Places or Places of Last Resort within Yarra Ranges Municipality			
NSP ID	Township	Location	Address
1000008394	Belgrave	Recreation Reserve (Oval)	Reserve Road Belgrave 3160
1000009211	Belgrave	Belgrave Alexanders Carpark	Alexanders Car Park – Terrys Ave, Belgrave 3160
1000008492	Coldstream	Halley Supple Reserve (Oval)	Bounded by South Gateway and North Gateway Coldstream 3770
1000009803	Dixons Creek	Dixons Creek Recreation Reserve (Oval)	Melba Highway (between Pinnacle Lane and Lorimers Lane) Dixons Creek 3775
1000008493	Healesville	Queens Park	Bounded by Don Rd, Maroondah Hwy & Badger Creek Rd (entry off Don Road) Healesville 3777
1000009273	Healesville	RACV Healesville Country Club Underground Car Park	Healesville-Kinglake Road (near corner Chum Creek Road) Healesville 3777
1000008374	Lilydale	Recreational Reserve area	Main Street (Maroondah Highway) opposite Hutchinson Street Lilydale 3140
1000008410	Lilydale	Lake Park (Between Car Park, Playground and Rotunda)	Swansea Road Lilydale 3140
1000022819	Millgrove	Millgrove Recreation Reserve	Moore Crescent Millgrove 3799
1000008512	Monbulk	Monbulk Recreational Reserve (Oval)	Moore Road (near McAllister Road) Monbulk 3793
1000008504	Mount Evelyn	Yarra Hills Secondary School (Oval)	Bounded by Old Hereford Road, Mikado Road and Burdap Drive (Reserve access Road) Mount Evelyn 3796
1000009814	Seville	Seville Recreational Reserve (First Oval)	20-28 Monbulk-Seville Road, Seville 3139
1000008408	Upwey	Upwey Recreation Reserve (Oval)	Alexander Ave (opposite Austral Ave) entry also via Chosen Ave Upwey 3158
1000009219	Upwey	Dandenong Ranges Community Cultural Centre 'Burrinja' (Rear Car Park)	Corner Glenfern Road and Matson Drive Upwey 3158
1000009281	Wandin North	Wandin North Reserve (Oval)	Corner Clegg Road and Warburton Highway Wandin North 3139
1000009503	Warburton	Warburton Recreation Reserve (Oval)	3455 Warburton Highway Warburton 3799
1000009817	Woori Yallock	Woori Yallock Recreation Reserve (Oval)	Healesville-Koo Wee Rup Road opposite Nester Road Woori Yallock 3139
1000009235	Yarra Glen	Yarra Valley Racing Centre Yarra Glen (carpark area)	Armstrong Grove Yarra Glen 3775
1000008503	Yarra Junction	Recreation Reserve (Oval)	Park Road (off Warburton Highway) Yarra Junction 3797

There are three (3) Community Fire Refuge (CFR) locations within Yarra Ranges municipality which will remain designated during the 2024/25 fire danger period. Yarra Ranges Council has no designation responsibility for CFR's.

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

QUARTERLY FINANCIAL REPORT - SEPTEMBER 2024

Report Author: Executive Officer Financial Accounting
 Responsible Officer: Manager Financial Services (CFO)
 Ward(s) affected: (All Wards);

SUMMARY

The attached September 2024 Finance Report has been prepared as of 30 September 2024.

The report includes financial year-to-date data up to the end of September for the 2024-2025 financial year and is compared to adopted budget for the financial year 2024-2025.

RECOMMENDATION

That Council receives and notes the Finance Report for the three months to 30 September 2024.

RELATED COUNCIL DECISIONS

Not applicable.

DISCUSSION

Purpose and Background

Section 101 of the *Local Government Act 2020* outlines the financial management principles that Council needs to adhere to monthly reporting to the Executive Leadership Team and quarterly reporting to Council and the Audit and Risk Management Committee on the operational financial results fulfils this requirement.

Summary of year-to-date results

Comprehensive Result (Net Surplus)

YTD comprehensive result of \$21.7m is \$14.6m above the adopted budget. This is due to:

- Overall revenue is \$15.5m above budget, this predominantly relates to the receipt of Operating grants budgeted to be received in June 2024 however received in July and August 2024 for the 2024-2025 year.

- Overall expenses are over budget by \$1m, this predominantly relates to:
 - Overspend in Employee benefits \$0.4m.
 - Materials and services \$0.3m due to the extension of the YR Connect project to June 2025.
 - Depreciation and amortisation \$0.3m due to the capitalisation of assets in the prior year.

Balance Sheet and Cash Flow Statement

Cash and investment holdings ended 30 September at \$19.2m including \$7.5m in Term Deposits. The Balance Sheet presents a working capital of \$38.3m (total current assets of \$129.8m less total current liabilities of \$91.5m). This reflects Council's ability to meet its obligations as and when they fall due.

Capital Program

Capital expenditure finished the month at \$6.3m against a budget of \$5.5m for September.

Year to Date capital expenditure of \$11.7m is \$4.8m or 29.1% below the YTD Adopted Budget of \$16.5m.

FINANCIAL ANALYSIS

The attached report outlines the financial performance and position of Council's activities as at the end of September 2024 with variance commentaries on performance by directorate and income/expenditure type.

STRATEGIC CONTEXT

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

RISK ASSESSMENT

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

CONFLICTS OF INTEREST

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

ATTACHMENTS TO THE REPORT

1. Financial Report – September 2024



Financial Report

SEPTEMBER 2024

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Key Highlights

This report provides a summary of the financial Performance of the Yarra Ranges Council as at the 30th September 2024

Area	RAG	Key Message	Slide #
YTD Underlying Result	●	+\$16.2m Favourable variance to Budget. Due to: - 24/25 grant commission funding paid earlier than Budget (+\$11.6m) - Unbudgeted grant carry forwards favourable impact (+\$1.9m) - Materials and services tracking favourably to Budget (-\$4.5m), excluding Storm impacts, which are offset by Storm accrued grant income	7
Annual Forecast	●	-\$5-6m Unfavourable variance to Budget anticipated on latest review (subsequent to Financial reporting): Downsides: \$5m asset write offs (not budgeted, non-cash impact), \$2.6m interest (borrowing / income due to cash position) Upsides: +\$1m Grants commission funding \$1m than budgeted \$16.9m Vs \$17.9m.	7
Internal financing	●	Net Operating Cashflow/Net capital expenditure: Unfavourable due to timing of rate collections and capital expenditure. This will even out as the year progresses.	9
Liquidity	●	Current Assets / Current Liabilities: Favourable showing for every dollar of current liabilities there is 1.42 of assets to cover.	9
Vacancy/FTE	●	As detailed in slide 15-16 there are vacancies in the following Directorates/Departments: Communities \$0.2m - Community Support Built Environment and Infrastructure \$0.2m - Infrastructure Services, Recreate, Parks and Facilities, Design and Delivery Planning & Sustainable Futures \$0.5m - Planning and Building, Resilient Environment, Design and Place, Strategic Projects	14-16
Capital Expenditure	●	Forecasted expenditure is on track noting that YTD \$11.7m has been spent of the adopted budget of \$13.1m YTD. Underspend of \$1.4m due to delays in Trails \$1.1m, Roads \$1m, Resilient Buildings \$1.2m offset by overspends in Pinks Reserve \$0.8m, Roads rehabilitation \$0.3m and Play/Sports \$0.3m.	28-33
Rates in arrears	●	Currently \$29.1m from prior to 2024/2025.	34-36

Under / Over Impacts: Income (\$'000)

Income Statement Category	Explanation Summary	Full Year Variance	Explanation Detail
Statutory Fees & Fines	Planning Statutory Fees	-\$0.4m	Planning application income 28% down YTD
Grants Operating	1. Grant Commission Funding 2. Grants Income Carry Forward	+\$1.0m +\$1.7m	1. 24/25 Grant funding advised (\$17.9m), Budget was assumed to be 25/26 funding received at end of year (\$16.9m). 2. Grant income from 23/24 year carried forward, but not budgeted. Will be offset by expenditure not spent in 23/24, to now be spent in 24/25 (see Unders/Overs – Expenditure)
Other Income	Interest on Investments	-\$0.5m	Investments expected to be utilised to reduce borrowing requirements. Interest Forecast \$0.8m, Budget \$1.3m
NEW INCOME	<i>New Revenue opportunities to be advised</i>	+\$0.5m	<i>Opportunities with New Revenue initiative – paid parking etc</i>
TOTAL INCOME		+\$7.0m	

Under / Over Impacts: Expenditure (\$'000)

Income Statement Category	Explanation Summary	Full Year Variance	Explanation Detail
Employee Benefits	1. YR Connect – Employees	+\$1.6m	1. YR Connect – project completion date extended to Jun-25. ELT approved operational carry forward to FY2025, but not reflected in the Budget
	2. Annual leave / LSL	+\$0.3m	2. Annual leave – monthly adjustment entries running higher than budget. Forecast increased to \$1.9m, Budget \$1.6m
Materials & Services	1. YR Connect - Consulting	+\$0.3m	1. YR Connect – project completion date extended to Jun-25. ELT approved operational carry forward to FY2025, but not reflected in the Budget
	2. Operating Grant - Expenditure	+\$1.7m	2. Expenditure not spent in 23/24, to now be spent in 24/25 (see Unders/Overs – Income)
	3. Temporary Staff	+\$0.6m	3. Currently overspent by \$0.5m
	4. Natural Disaster	+\$0.5m	4. Two storm events to date, full cost expected to be \$5.2m (with 90% income recovery)
Finance Costs	Interest on Borrowings	+\$1.0m	Loans drawn down earlier than budgeted (due to reduced cash position)
Loss on Disposals (Asset Write Offs)	Write downs or write offs of assets (due to replacements etc)	+\$5.0	Additional write offs anticipated. No budget for asset write offs. No cash impact
SAVING INITIATIVES	1. Employee Benefits	-\$1.0m	Current full year forecast is showing savings as follows: Communities -\$2.9m, P&SF -\$1.6m, BE&I -\$0.8m but needs further review (\$5.3m total). Savings coming from works that were brought forward in 23/24, such as in facilities mgt need to be reflected in 24/25 forecast, FOGO bag saving not yet forecasted. Other opportunities to be established, ie consultancy, reactive works, non-contracted works.
	2. Materials & Services	-\$2.2m	
TOTAL EXPENDITURE		+\$12.5m	
TOTAL UNDERS / OVERS		+\$5.5m	



SAVINGS TO BE IDENTIFIED	-\$3.7
TOTAL UNDERS / OVERS	-\$5.5
TRUE MOVEMENT TOTAL	-\$9.2

Executive Summary – Operating Result

This report provides a summary of the financial Performance of the Yarra Ranges Council as at the 30th September 2024.

	September 2024				YTD September 2024				Annual Total			
	Actual \$'000	Budget \$'000	\$ variance \$'000	% variance	Actual \$'000	Budget \$'000	\$ variance \$'000	% variance	Forecast \$'000	Budget \$'000	\$ variance \$'000	% variance
Total Income	23,202	21,703	1,499	6.9%	78,727	63,180	15,547	24.6%	254,683	252,916	1,767	0.7%
Total Expenses	20,136	18,986	(1,150)	(6.1)%	57,125	56,108	(1,017)	(1.8)%	233,218	235,146	(1,929)	(0.8)%
Net Gain/(Loss) on Disposal	11	0	11	0.0%	96	0	96	0.0%	85	0	85	0.0%
Net Surplus/(Deficit)	3,077	2,717	360	(13.3)%	21,698	7,072	14,626	206.8%	21,550	17,769	3,781	21.3%
Operating/Underlying Surplus/(Deficit)	850	948	(98)	(10.3)%	17,988	1,767	16,221	918.1%	388	(3,453)	3,841	(111.3)%

MVA Variance (Over/Under)	Explanation	YTD Variance	Explanation
Income: \$1.5m over budget	Over budget due to Operating grants received in August of \$2m for the Grant Commission Funding. Budgeted to be received in FY24 but received in FY25. Partially offset by \$0.8m in budgeted non monetary assets (gifted and found) not yet determined.	Income \$15.6m over budget	<ol style="list-style-type: none"> Operating Grants \$18m over budgeted due to the Grant Commission Funding being budgeted to be received in FY24 however was received in July and August 2024 Partially offset with Grants Capital being under budget by \$1.6m due to a delay in project milestones and unearned income not yet recognised.
Expenses: \$1.2m under budget	1. Materials and Services favourable by \$1.2m mainly due to the \$0.6m in Built Environment and Infrastructure directorate with underspend in contract management due to delays in timing of property and facilities management as well as \$0.6m underspend in the Planning and Sustainable Future directorate due to Nature with the phasing of the weed management due to seasonality.	Expenses over budget by \$1m	<p>Due to unbudgeted overspends</p> <ol style="list-style-type: none"> Employee benefits \$0.4m – due to the extension of YR Connect project, Materials and Services \$0.3m due to extension of contractor for the YR Connect Project \$0.3m due to depreciation and amortisation with the capitalisation of assets.
Operating/Underlying Surplus/(Deficit) \$0.1m under budget	Due to Capital Grants being added back to the net surplus of \$0.5m.	Operating/Underlying Surplus/(Deficit) \$16m over budget	\$16.2m due to the timing of the Operating Grant funding being received in July and August 2024 \$18m however budgeted for June 2024. Additional \$1.6m is due to the add back for Capital Grants.

Executive Summary – Balance Sheet & Cashflow

This report provides a summary of the Financial Position of the Yarra Ranges Council as at the 30th September 2024.

Balance Sheet - as at Aug 2024

\$'000	Actuals YTD (Aug 2024)	Actuals YTD (Aug 2023)	Adopted Budget (to Jun 2025)	Adopted Budget (to Jun 2024)
Total current assets	130,639	155,058	134,462	106,956
Total non-current assets	1,644,309	1,369,176	1,453,387	1,306,974
Total assets	1,774,948	1,524,234	1,587,849	1,413,930
Total current liabilities	95,724	127,232	110,922	94,300
Total non-current liabilities	38,049	10,351	40,112	40,291
Total liabilities	133,772	137,583	151,034	134,591
Net assets	1,641,176	1,386,652	1,436,815	1,279,339
Total equity	1,641,176	1,386,652	1,436,815	1,279,339
Working Capital	34,915	27,827	23,540	12,656

Statement of Cash Flows - as at Sep 2024

\$'000	Actuals YTD (Sep 2024)	Annual Budget (to Jun 2025)	Prior year (to Jun 2024)
Net cash provided by operating activities	495	63,026	4,595
Net cash used in investing activities	(12,045)	(77,696)	(71,090)
Net cash provided by (used in) financing activities	13,510	15,086	(5,413)
Net increase/(decrease) in cash and cash equivalents	1,960	416	(71,908)
Cash and cash equivalents at beginning of the financial year	24,742	78,242	96,650
Cash and cash equivalents	26,702	78,658	24,742

Executive Summary – Indicators

This report provides a summary of the Financial Position of the Yarra Ranges Council as at the 30th September 2024.

VAGO Performance Indicators as at Aug 2024								
Indicator	Measure					YTD Actual	Full year Budget	Ref
Net result	Net surplus (deficit) / Total revenue	Less than (1.0%)	(10%) to 0%	More than 0%	%	27.6%	7.0%	1
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	Less than 0%	0% to 5%	More than 5%	%	24.0%	(1.5%)	2
Liquidity	Current Assets / Current Liabilities	Less than 0.75	75% to 100%	More than 1.0	x	1.42	1.21	3
Unrestricted Liquidity	Current Assets (less restricted cash) / Current Liabilities	Less than 0.75	75% to 100%	More than 1.0	x	1.18	-	4
Internal financing	Net operating cashflow / Net capital expenditure	Less than 75%	75% to 100%	More than 100%	%	58.4%	81.1%	5
Indebtedness	Non current liabilities / Own sourced revenue	More than 60%	40% to 60%	40% or Less	%	76.7%	20.1%	6

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- Net result – is revenue/income from transactions minus expenses from transactions, as a percentage of total revenue.** Full Year actual result remains positive due to a favourable result in operating grants.
- Adjusted underlying result – is the net result exclusive of capital grants and contributions. It is an indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives.** Full Year actual is favourable due to the increase in Operating Grants due to the timing of the grant funding received in FY25 budgeted for FY24. Budget is negative due to the adjusted result with the add back for Capital Grants budgeted and contributions of \$24m.
- Liquidity - The ability to pay liabilities due within the next 12 months. For every dollar of liabilities this ratio represents the cash and liquid assets to repay the debts when they fall due.**
- Unrestricted Liquidity - The ability to pay liabilities due within the next 12 months. A ratio of one or more means that an entity has more cash and liquid assets than short-term liabilities.** YRC is comfortable to meet short-term financial obligations after deducting restricted cash.
- Internal financing – The ability to finance capital works from net operating cashflow.** Actual result reflects low net cash inflows as capital expenditure is higher than the rate revenue collected, and grant funding received at this time of the year. The full year budget expects net capital expenditure to exceed net cash from operating activities due to timing of Operating grant funding received.
- Indebtedness - The ability to repay debt due after the next 12 months from own-sourced revenue (Total revenue excluding grants and contributions).** Full year actual and budget reflect Council’s level of debt compared to own-sourced revenue generated. Due to timing of rate revenue and the operating grants received in July 2024 not budgeted this indicator is showing an unfavourable result however this will rectify as the year progresses and rate revenue exceeds grant revenue.

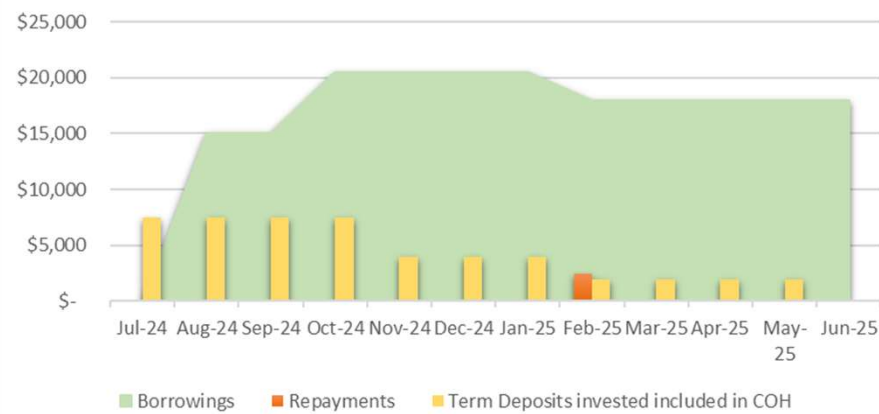
Financial Sustainability

Cashflow Monitoring



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Borrowings and Investments



Assumptions:

1. Minimum cash requirement is set at approximately \$20m being 2 months of operating expenditure.
2. Restricted Cash \$8.4m: Consists of \$4.4m of deposits held for Kinley Estate project and \$4m for FSPL.
3. Borrowings determined by FY25 Budget set at \$20.448m. Currently drawn down \$15m in August 2024.
4. Term Deposits are included in cash on hand currently \$7.5m invested.
5. TCV Loan of \$15m biannual repayments set over 5 years with February 2025 and August 2025 repayment dates.



Loans and borrowings

Account Name \$'000	Original Loan Amount	Applicable interest rate	Current Liability	Non Current Liability	Total
Loan	\$'000		\$'000	\$'000	\$'000
TCV	15,000	4.295%	1,361	13,639	15,000
Loan Balance			1,361	13,639	15,000

Income Statement

	September 2024				YTD September 2024				Annual Total			
	Actual	Budget	\$ variance	% variance	Actual	Budget	\$ variance	% variance	Forecast	Budget	\$ variance	% variance
	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000		\$'000	\$'000	\$'000	
	25PJACT	25PJBUD			25PJACT	25PJBUD			25PJFOR	25PJBUD		
Income												
Rates - General	15,064	15,074	(11)	(0.1)% ●	45,384	45,223	160	0.4% ●	181,093	180,893	200	0.1% ●
Rates - Special Rates and Charges	0	105	(105)	(100.0)% ●	0	314	(314)	(100.0)% ●	1,516	1,258	258	20.5% ●
Statutory Fees and Fines	283	313	(31)	(9.8)% ●	787	940	(154)	(16.4)% ●	3,396	3,761	(366)	(9.7)% ●
User Fees	627	453	174	38.3% ●	1,786	1,366	421	30.8% ●	6,538	6,394	144	2.2% ●
Contributions - Cash	139	269	(130)	(48.5)% ●	836	757	79	10.5% ●	3,357	3,113	243	7.8% ●
Grants - Capital	2,252	1,761	491	27.9% ●	3,710	5,282	(1,572)	(29.8)% ●	20,826	21,129	(303)	(1.4)% ●
Grants - Operating	4,611	2,651	1,959	73.9% ●	25,484	7,570	17,914	236.6% ●	32,006	29,250	2,756	9.4% ●
Other Revenue	118	126	(8)	(6.2)% ●	424	377	47	12.5% ●	1,751	1,715	36	2.1% ●
Interest	109	200	(91)	(45.4)% ●	316	600	(284)	(47.3)% ●	1,201	2,402	(1,200)	(50.0)% ●
Contributions - Non Monetary Assets	0	750	(750)	(100.0)% ●	0	750	(750)	(100.0)% ●	3,000	3,000	0	0.0% ●
Total Income	23,202	21,703	1,499	6.9% ●	78,727	63,180	15,547	24.6% ●	254,683	252,916	1,767	0.7% ●
Expenses												
Employee Benefits	6,296	6,203	(93)	(1.5)% ●	20,076	19,633	(442)	(2.3)% ●	75,977	80,230	(4,253)	(5.3)% ●
Materials and Services	9,284	8,135	(1,149)	(14.1)% ●	24,060	23,752	(308)	(1.3)% ●	107,197	104,814	2,382	2.3% ●
Bad and Doubtful Debts	0	16	16	100.0% ●	1	16	15	94.4% ●	64	64	0	0.0% ●
Depreciation and Amortisation	3,373	3,299	(74)	(2.3)% ●	10,171	9,897	(274)	(2.8)% ●	39,586	39,586	0	0.0% ●
Other Expenses	1,056	1,205	148	12.3% ●	2,520	2,423	(96)	(4.0)% ●	8,848	8,906	(58)	(0.7)% ●
Finance Costs (Interest)	126	129	3	2.0% ●	298	386	89	22.9% ●	1,546	1,546	0	0.0% ●
Total Expenses	20,136	18,986	(1,150)	(6.1)% ●	57,125	56,108	(1,017)	(1.8)% ●	233,218	235,146	(1,929)	(0.8)% ●
Net Gain/(Loss) on Disposal	11	0	11	0.0% ●	96	0	96	0.0% ●	85	0	85	0.0% ●
Net Surplus/(Deficit)	3,077	2,717	360	(13.3)% ●	21,698	7,072	14,626	206.8% ●	21,550	17,769	3,781	21.3% ●
Operating (Underlying) Surplus/(Deficit)	850	948	(98)	10.3% ●	17,988	1,767	16,221	918.1% ●	388	(3,453)	3,841	(111.3)% ●



Balance Sheet

Balance Sheet - as at Sep 2024				
\$'000	Actuals YTD (Sep 2024)	Actuals YTD (Sep 2023)	Adopted Budget (to Jun 2025)	Actual (to Jun 2024)
Current Assets				
Cash and cash equivalents	19,202	63,302	78,659	17,242
Trade and other receivables	74,222	63,735	41,833	43,657
Other financial assets	7,500	7,500		7,500
Prepayment	3,350	3,300		2,018
Non-current assets classified as held for sale	3,263	3,263		3,263
Contract assets	22,310	13,461	13,970	17,104
Total current assets	129,847	154,561	134,462	90,784
Non-current assets				
Trade and other receivables	5,005	1,961	2,383	6,099
Investments in associates and joint ventures	2,924	2,613	2,550	2,924
Property, infrastructure, plant & equipment	1,613,484	1,356,233	1,429,997	1,611,462
Right-of-use assets	16,788	1,894	15,617	17,448
Intangible asset	5,768	5,792	2,840	5,625
Total non-current assets	1,643,970	1,368,492	1,453,387	1,643,558
Total assets	1,773,817	1,523,053	1,587,849	1,734,342
Current liabilities				
Trade and other payables	17,303	15,977	31,061	27,500
Contract and other liabilities	25,041	53,587	14,802	31,779
Trust funds and deposits	29,919	32,904	46,000	8,589
Provisions	17,046	16,857	15,056	16,575
Interest-bearing loans and borrowings	1,361	1,864	2,045	640
Lease liabilities	888	991	1,958	2,211
Total current liabilities	91,559	122,180	110,922	87,294
Non-current liabilities				
Provisions	8,707	8,574	8,647	8,832
Interest-bearing loans and borrowings	13,639	640	17,807	0
Lease liabilities	15,634	1,137	13,658	15,634
Total non-current liabilities	37,981	10,350	40,112	24,466
Total liabilities	129,540	132,530	151,034	111,760
Net assets	1,644,277	1,390,523	1,436,815	1,622,582
Equity				
Accumulated surplus	645,629	638,542	690,558	645,628
Reserves	976,953	746,256	746,257	976,954
Current Operating Surplus/(Deficit)	21,695	5,725	0	0
Total equity	1,644,277	1,390,523	1,436,815	1,622,582

Commentary

- Cash and cash equivalents includes Term Deposits invested of \$7.5m. Excluding these, cash on hand is \$11.7m as at 30th September 2024.
- Working Capital (Current assets - current liabilities) = \$38.3m which is a positive result ensuring that YRC can meet its current liabilities when and if they fall due.
- Interest bearing liabilities (current and non-current) is the TCV new borrowings in August 2024 of \$15m
- Lease liabilities consists of the new waste contract
- Provisions covers employee provisions such as Long Service Leave and Annual Leave.
- Property, Plant and Equipment has increase substantially from budget due to the revaluation increment that was processed in June for the Land under roads valuation. Total asset revaluation increment for FY24 was \$229.8m.



Cashflow Statement as at 30th September 2024

Statement of Cash Flows - as at Sep 2024			
\$'000	Actuals YTD (Sep 2024)	Annual Budget (to Jun 2025)	Prior year (to Jun 2024)
CASH FLOWS FROM OPERATING ACTIVITIES			
Rates and charges	34,115	182,616	157,558
Statutory fees and fines	2,634	4,141	8,738
User fees (inclusive of GST)	987	7,040	7,279
Grants - operating (inclusive of GST)	16,385	29,279	14,009
Grants - capital (inclusive of GST)	1,489	21,150	6,707
Contributions (inclusive of GST)	834	3,020	3,742
Interest received	216	2,401	3,314
Trust funds and deposits	(152)	0	3,617
Other receipts (inclusive of GST)	460	2,296	3,125
Net GST refund	3,769	15,502	17,232
Materials and Services (inclusive of GST)	(37,891)	(79,756)	(129,817)
Employee costs	(19,591)	(114,882)	(79,736)
Other payments	(2,760)	(9,781)	(11,173)
Net cash provided by operating activities	495	63,026	4,595
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for property, infrastructure, plant and equipment	(11,719)	(77,696)	(72,224)
Payments for intangibles	(477)		
Proceeds from sale of property, infrastructure, plant and equipment	151	0	1,134
Investments in associates			
Net cash used in investing activities	(12,045)	(77,696)	(71,090)
CASH FLOWS FROM FINANCING ACTIVITIES			
Finance costs	(74)	(672)	(176)
Proceeds from interest bearing loans and borrowings	15,000	20,448	(2,472)
Repayment of borrowings	(640)	(1,239)	0
Interest paid - lease liability	(218)	(874)	(667)
Repayment of lease liabilities	(558)	(2,577)	(2,098)
Net cash provided by (used in) financing activities	13,510	15,086	(5,413)
Net increase/(decrease) in cash and cash equivalents	1,960	416	(71,908)
Cash and cash equivalents at beginning of the financial year	24,742	78,242	96,650
Cash and cash equivalents	26,702	78,658	24,742

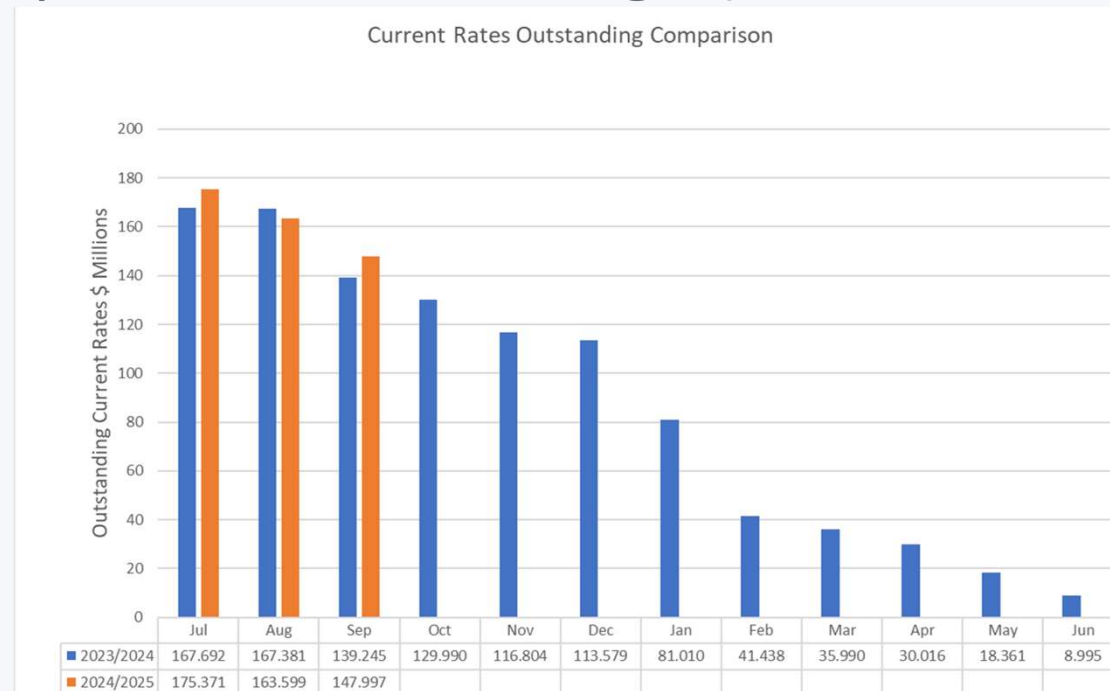
	Sep-24
Cash and Cash Equivalent Balance \$'000	26,702.1
Restricted cash	22,087.7
Reserve - Public Open Space	11,665.5
Reserve - Waste	197.9
Reserve - Biodiversity Offset Program	603.5
Reserve - Pandemic Recovery Reserve	800.0
Reserve - Disaster Response	300.0
Reserve - Digital Transformation	300.0
Trust Funds - Deposits, Planning, Builder etc	8,220.8
FSPL collected to pay SRO	
Unrestricted cash	4,614.4

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Rates in Arrears (Includes Special Rates & Charges)

Rates Debts Outstanding ('000)		
Current Rates 23/24	147,997.0	
Current Interest	-	
Legal Costs on Current	-	147,997.0
<hr/>		
Arrears (prior to 24/25)	26,093.6	
Interest on Arrears	2,665.6	
Legal costs on Arrears	375.3	29,134.5
<hr/>		
Total rates & charges Outstanding		177,131.5



Rate Debts outstanding

The Balance Sheet shows an amount of \$177.1m total for Receivables – Property. Including \$29.1m from prior year.

Rates outstanding comparison year on year

The level of outstanding current rates measured in real terms (+2.75% Rates Cap Increase) compared to the same period last year has increased by 3.33%

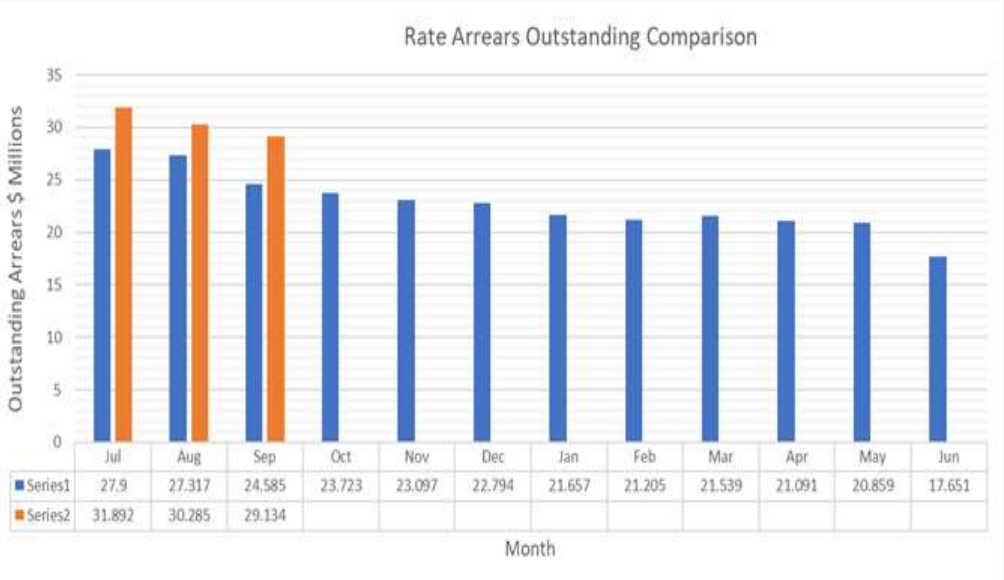
**When calculating real terms, the increases in waste service charges has not been considered, only the rate cap (increase in general rates) and the increase in waste service charges is significant enough to impact this data.*



Rates in Arrears

Rate Recovery Activity							
Rate Recovery Category	Activity	Arrears	Interest on Arrears	Legal Costs	Total O/S	Number of Assessments	Current Including Assessment
Financial Hardship	Deferment in place	6,692.1	290.9	50.8	7,033.8	879	2,094.3
	Recurring Deferment	102.5	1.3	-	103.7	17	32.5
	Deferment recently completed	435.4	66.3	7.6	509.2	50	139.1
	Defaulted conditions	412.5	77.2	5.7	495.4	43	101.9
Hardship Being Reviewed	Standard deferment being reviewed	4.0	-	-	4.0	1	2.7
	Recurring Deferment being reviewed	-	-	-	-	-	-
Payment Plans	Payment Plan in place	5,209.3	156.1	2.1	5,367.4	2,495	6,142.6
	Payment Plan in place with Credit Solutions	2,786.3	189.5	11.9	2,987.8	522	1,340.8
Receivership		121.1	33.6	0.8	155.5	17	34.0
Auction (s181)		21.9	44.6	0.5	67.0	2	0.8
Sale Pending		82.8	7.6	1.2	91.7	143	160.1
Probate Pending		17.9	2.1	0.8	20.8	14	31.3
Legal Action Avenues Exhausted		370.9	219.0	24.1	614.0	19	41.1
Legal Action Continuing		3,178.4	722.0	227.8	4,128.2	281	714.4
Legal Action Pending		8,444.5	1,314.9	249.4	10,008.7	2,121	5,569.8
Totals		27,879	3,125	583	31,587	6,604	16,405

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



The level of outstanding rate arrears measured in real terms (+2.75% Rates Cap Increase) compared to the same period last year has *increased by 16.47%*

This increase is concerning, as notices showing the overdue debts have recently been issued and show less willingness to satisfy these debts than previous years. Some action to remedy these trends;

- Legal action against 370 properties with the highest amounts of arrears will commence in October
- Ongoing legal action against 280 properties will recommence to next stages in October

Both the above actions are likely to significantly improve arrears in comparison to previous years

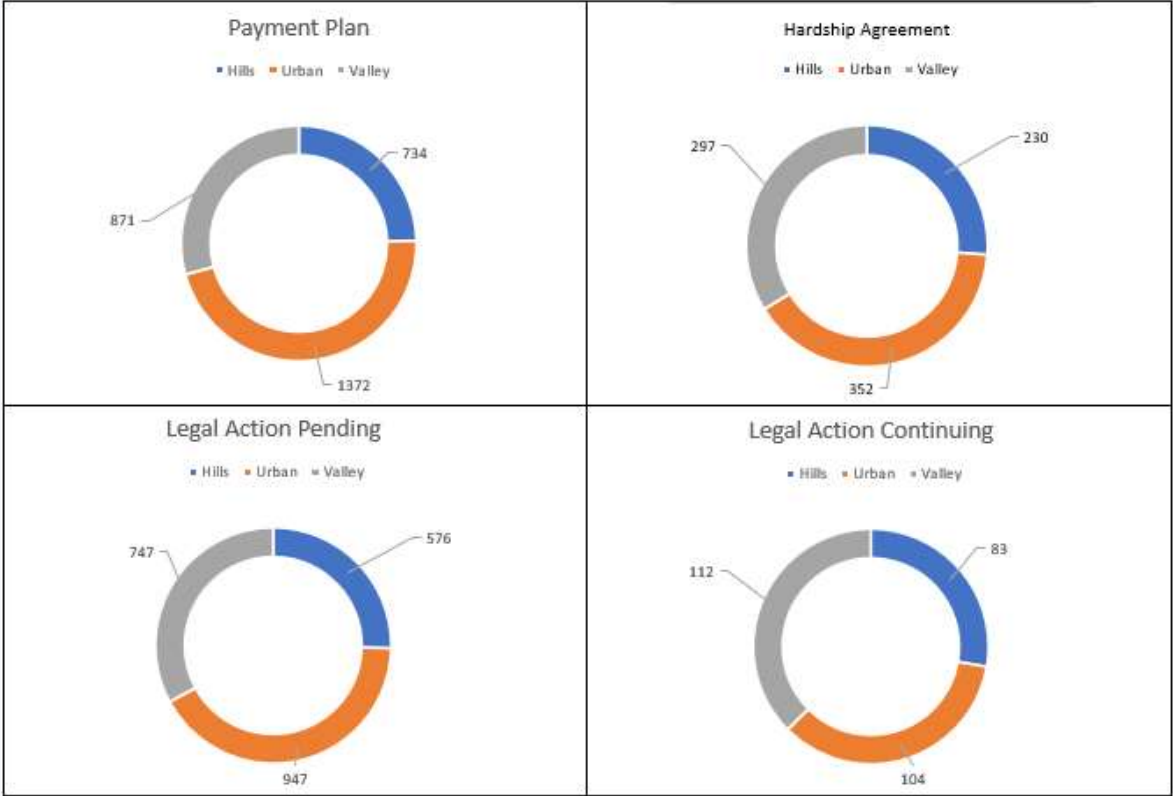


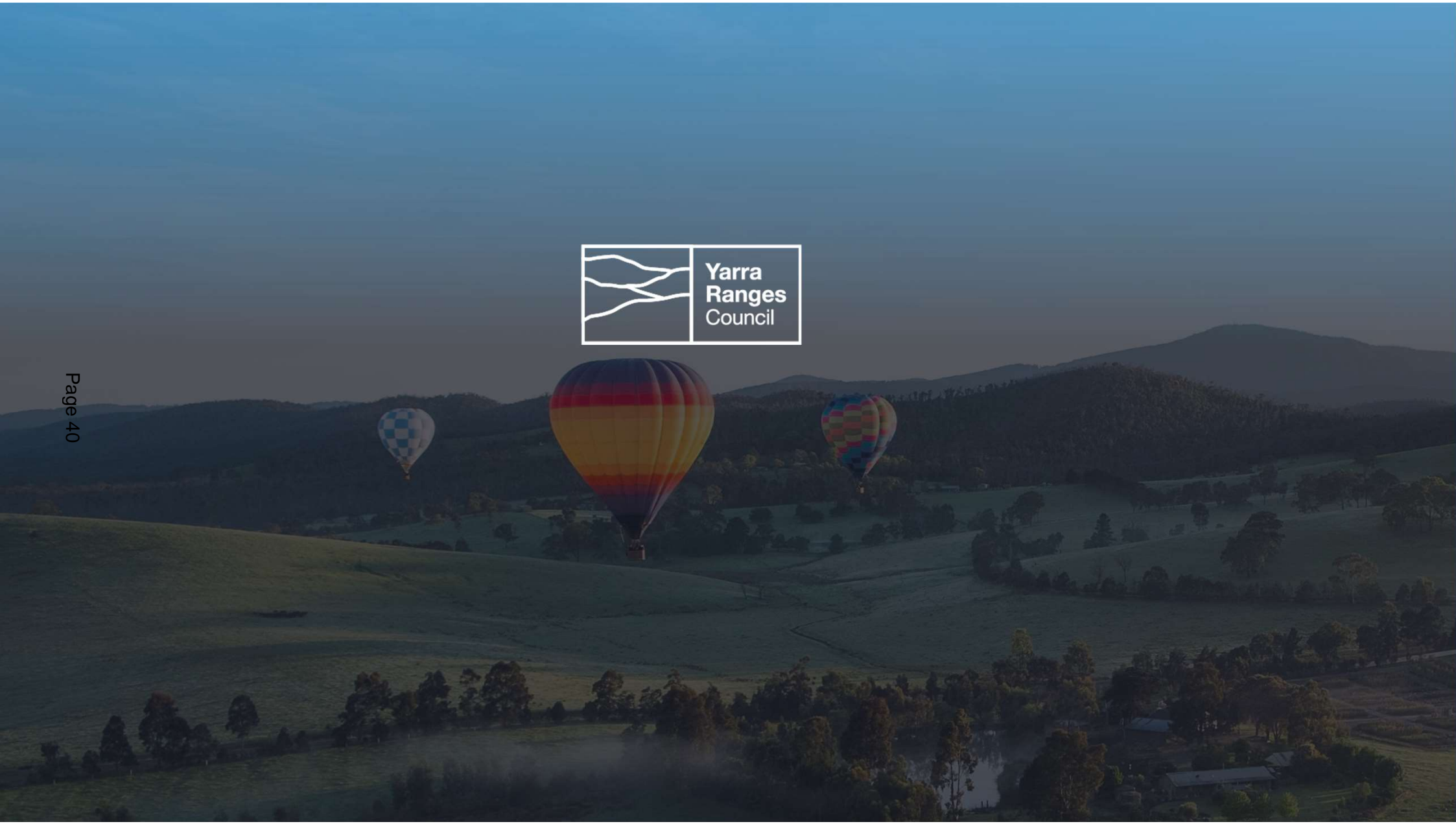
Rates in Arrears

The revision of Hardship applications due to expire in 2024/2025 financial year has begun. The result is likely to decrease hardships in place and increase payment plans.

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

- Special Payment Arrangement
- Financial Hardship Agreement
- Legal Action Pending (For 2022/2023 outstanding rates)
- Legal Complaint Filed – With the Magistrates Court for Outstanding amounts.





APPOINTMENT AND AUTHORISATION UNDER THE ENVIRONMENT PROTECTION ACT 2017 AND THE PLANNING AND ENVIRONMENT ACT 1987

Report Author: Governance Coordinator
 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

To perform all functions and powers required to meet Council's legislative obligations, Council must delegate powers and duties to Council officers to ensure services are delivered in a timely and coordinated manner. This is achieved through Instruments of Appointment and Authorisation. Such Instruments enable the organisation of Yarra Ranges Council to perform its role, serving the community, in a compliant and safe manner.

This report provides for an update to the previous appointment of Council officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 242(2) of the *Environment Protection Act 2017*. Council is asked to approve the updated Instruments attached to this report, see Attachment One and Attachment 2. The current Instrument of Appointment and Authorisation was authorised by Council, 12 September 2023.

RECOMMENDATION

That Council

- 1. Formally appoint the officers referred to in***
 - (a) the Instrument of Appointment and Authorisation included at Attachment 1 to the report as an Authorised Officer, pursuant to Section 147 (4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020.***
 - (b) the Instrument of Appointment and Authorisation included at Attachment 2 to the report as an Authorised Officer, pursuant to Section 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021.***

2. ***Request that both Instruments of Appointment and Authorisation, as outlined in this recommendation, be signed and sealed by the Chief Executive Officer.***
3. ***Note that both Instruments come into force immediately the common seal of Council is affixed to the Instruments and remain in force until Council determines to vary or revoke them.***

RELATED COUNCIL DECISIONS

The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last authorised by a resolution of Council on 12 September 2023.

The Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* was last authorised by a resolution of Council on 12 September 2023.

DISCUSSION

Purpose and Background

The purpose of this report is to appoint the officers referred to in the Instruments of Appointment and Authorisation as an Authorised Officer under their respective legislation.

The Instruments have been prepared for Council's consideration based on advice from the Maddocks Authorisations and Delegations Service. The Instruments:

- Appoint the officers named to be Authorised Officers for the purposes of the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* and the regulations made under these Acts.
- Authorise the officers generally to institute proceedings for offences against the Acts and regulations.

S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

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

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

S11B Instrument of Appointment and Authorisation (Environment Protection Act 2017)

In appointing authorised officers under the *Environment Protection Act*, Council should note:

- Council's power of appointment may be delegated to the Chief Executive Officer in future, who can then sub-delegate the power to members of Council staff. This is on the basis that section 437(2) of the Act is to be interpreted as meaning Council only needs to have been delegated a power or function under section 437(1) in order to appoint an authorised officer.
- Contractors cannot be appointed as authorised officers for any purpose of the delegation, as the Act only allows Council to appoint an officer or employee as an authorised officer. Council should note that it may be possible for contractors to carry out some duties related to the regulation of Onsite Wastewater Treatment Systems less than 5000 litres and noise from residential construction, for example, administration or desktop assessments.
- Section 254 of the Act includes a new requirement for authorised officers appointed under section 242(2) to issue an entry report to the occupier or apparent occupier when they use a power of entry or inspection.

Recommendation and justification

The recommendation is to approve both Instruments of Authorisation associated with this report to ensure Council can meet its obligations under the *Local Government Act 2020* and other Acts where Council holds authority.

FINANCIAL ANALYSIS

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

APPLICABLE PLANS AND POLICIES

No regional, state or national plans and policies are applicable to the recommendation in this report.

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

High Performing organisation: By Council approving Delegations and or Authorisations made to Council staff the organisation can operate effectively. It is unreasonable for elected Council members to perform all functions and powers required to meet its legislative obligations. Therefore, Council must delegate powers and duties to ensure services are delivered in a timely and coordinated fashion. This instrument enables the organisation to perform its role, serving the community, in a compliant manner.

RELEVANT LAW

Under section 242(2) of the *Environment Protection Act 2017* and Section 147(4) of the *Planning and Environment Act 1987*, Council officers must be appointed and authorised directly by Council, in order that they may execute relevant powers.

SUSTAINABILITY IMPLICATIONS

There are no direct economic, social or environmental impacts associated with the appointment of an Authorised Officer.

COMMUNITY ENGAGEMENT

No community consultation has been held or is proposed in relation to this matter.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No external collaboration, sectoral innovation or continuous improvements activities have been completed in preparing this report.

RISK ASSESSMENT

The Instruments attached to this report are based on templates and advice provided by the Maddocks Delegations and Authorisations Service. The use of these documents ensures Council has compliant appointments, authorisations and delegations to relevant Council staff in place that meet the requirements of the Acts.

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. S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) tracked Nov 2024
2. S11B - Instrument of Appointment and Authorisation under the EPA 2017 - tracked Nov 2024



Yarra Ranges Shire Council

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

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

In this instrument "officer" means -

Joanna Lebbink	Biodiversity Offsets Officer	Myles Higginbotham	Planning Officer
Robert Forsyth	Building and Planning Compliance Officer	Max Loughbrough	Planning Officer
Nadine Harvie	Building and Planning Compliance Officer	Neda Malekzadeh	Planning Officer
Kevin Johnstone	Building and Planning Compliance Officer	Luke Michael	Planning Officer
Lauren Stewart	Building and Planning Compliance Officer	Arvish Sharda	Planning Officer
Ronald Versteegh	Building and Planning Compliance Officer	Matthew Viera	Planning Officer
Jeffery Robinson	Building and Planning Compliance Officer	Thushari Wollbrandt	Planning Officer
Roxanne Moss	Building and Planning Compliance Officer	Kavita Mandavia	Planning Officer Para-Planner
Murray Eva	Building Inspector	Kate Campbell	Pool and Spa Audit Officer
Amanda Smith	Smitka	Gavin Crawford	Principal - Major Projects
Lawrie Slagter	Deputy Building Surveyor	Alexia Paterson	Principal Planner
Robert Flynn	Deputy Municipal Building Surveyor	Jason Chu	Principal Planner Planning Officer
Andreas Zimmermann	Deputy Municipal Building Surveyor	David Lyall	Senior Planner
Kath McClusky	Director Planning and Sustainable Futures	Mindy McCubbin	Senior Planner
Nicole Baboucek	Environment Assessment Officer	Katharine Cox	Senior Planner Officer
Jo Oldland	Environment Assessment Officer	Katherine Baltas	Senior Strategic Planner
Errin Smitka	Environment Assessment Team Lead	Kris Hansen	Senior Planning Officer
Gaby Hilty	Environment Officer	Susan Hartley	Senior Planning Officer
Sam Savini	Environment Officer	Philip Knight	Senior Planning Officer
Darren Bailey	Executive Development Compliance & Prosecutions	Magdaline Loizou	Senior Planning Officer
Katie Douglas	Executive Officer Planning Services	Nathan O'Shaughnessy	Senior Planning Officer

Lauren Richardson	Executive Officer Planning Services	Naveen Potti	Senior Planning Officer
David Young	Executive Officer Planning Services	Jane Robinson	Senior Planning Officer
Alison Fowler	Executive Officer Strategic Planning	Paris Micelotta	Senior Planning Officer
Yogita Rijal	Malla Senior Planning Officer	Georgia Collier	Senior Planning Officer
Nathan Islip	Manager Design and Place	Katie Cunningham	Senior Planning Officer
Amanda Kern	Manager Planning and Building	Viesha Lalic	Senior Planning Officer
Damian Closs	Manager Strategic Projects	Ben Champion	Senior Strategic Planner
George Avramopoulos	Municipal Building Surveyor	Caz Elliott	Senior Subdivison Officer
Lee Roberts	Paraplanner	Hannah Elliot	Strategic Planner
Jim Stylianios	Paraplanner	Apeksha Malhotra	Strategic Planner
Rafi Amani	Paraplanner	Rashmi Somasundar	Student Planner
James Price	Paraplanner	Hannah Wilson	Student Planner Planning Officer
Marcella Simone	Planning & Rebuilding Coordinator	Taylor McNeill	Subdivision Officer
Virginia McCallum	Planning Compliance Audit Officer	Debra Rennie	Subdivision Officer
Willis Strategic	Planning Info Project Officer	Steven Dempsey	Team Leader - Development Compliance
Grace Arnel	Planning Officer	Liz O'Farrell	Team Leader Development Compliance
Aaron Burness	Planning Officer	Simon Hsley	Team Leader Major Projects
Will Martin-Black	Planning Officer	Hona Dorian	Team Leader Planning Services
Aaron Troung	Planning Officer	Tracey Pascoe	Team Leader Planning Services
Shaan Brooker	Planning Officer	Peter Whebell	VCAT Advocate and Advisory Lead
Jackson Gable	Planning Officer	Jericho Preze	Team Leader Planning Services
Kanishk Gupta	Planning Officer	Durga Viswanathan	Team Leader Planning Services
Harry Hansen	Planning Officer		

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

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

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Yarra Ranges Shire Council on ~~12 September 2023~~ 26 November 2024.

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

.....
Tammi Rose
Chief Executive Officer



Yarra Ranges Shire Council

Instrument of Appointment and Authorisation

(Environment Protection Act 2017 only)

Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

In this instrument "officer" means -

Emma Baker	Leanne Hurst
Lisa Balaban	Kasturi Jadhav
Daniel Balzano	David Johnson
Corinne Bowen	Matthew Leck
Emily Burton	Gareth Little-Hales
Jesse Clarke-James	Sarah Menegol
Chris Cooper	Louise Parzatka
Christine Dalglish	Jane Price
Mitch Devisser	Ajeet Ringe
Stacey Dight	Courtney Smith
Reece During	Steph Wallace
Rachael Forrest	Karina Walton
Bow Harris	Michelle Wheeler
Kass Hayward	Daniel Wressell
Stephen Hodge	Julie Yang

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

under s 242(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Yarra Ranges Shire Council on ~~12 September 2023~~ 26 November 2024.

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

.....
Tammi Rose
Chief Executive Officer

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

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.

There were no Documents for Signing and Sealing listed for this meeting prior to the Agenda being printed.

15. INFORMAL MEETINGS OF COUNCILLORS

Report Author: Senior 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. 15 October 2024 – Council Briefing
2. 15 October 2024 – Council Forum

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Briefing	
Date:	15 October 2024	Start Time: 6:00pm Finish Time: 6:17pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference	
Attendees:	<p>Councillors: Cr Todorov (Chair), Cr Eastham (Deputy Chair) Cr Cox (6:14pm), Cr Fullagar, Cr Skelton, Cr McAllister and Cr Heenan</p> <p>Via Zoom: Cr Higgins (6:17pm) , Cr Child,</p> <p>CEO/Directors: Tammi Rose, Andrew Hilson, Leanne Hurst, Kath McClusky and Hjalmar Philipp</p> <p>Officers: Beck Stevens, Ben Waterhouse, Joanne Hammond, Ameer Cooper, and Liam Routledge</p> <p>Via Zoom: Hjalmar Phillip, Stuart Wilson</p> <p>Externals: Nil</p>	
Apologies:	Nil	
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 22 October 2024 Council Meeting.	
	10.1	2023-2024 Annual Report
	10.2	Draft 2023-2024 Financial Statements & 2023-2024 Performance Statement
	10.3	Audit and Risk Management Committee Biannual Report
	10.4	Audit and Risk Management Committee Performance Assessment Outcomes
	10.5	Councillor Expenditure Policy - Reimbursement of Expenses for Cr Cox
Completed By:	Beck Stevens	

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	15 October 2024	Start Time: 5:32pm Finish Time:8:38pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference	
Attendees:	<p>Councillors: Cr Todorov (Chair), Cr Eastham (Deputy Chair), Cr Cox, Cr Fullagar, Cr Skelton, Cr McAllister, Cr Heenan, and Cr Cox (6:14pm)</p> <p>Via Zoom: Cr Child, Cr Higgins (6:17pm)</p> <p>CEO/Directors: Tammi Rose, Andrew Hilson, Leanne Hurst and Kath McClusky</p> <p>Officers: Beck Stevens, Ben Waterhouse, Kelly Delaney, Joanne Hammond, Ameer Cooper, Garry Detez, Liam Routledge and Kirsten Vernon</p> <p>Via Zoom: Hjalmar Philipp, Stuart Wilson</p> <p>Externals: Nil</p>	
Apologies	Nil	
Disclosure of Conflicts of Interest:	<ul style="list-style-type: none"> • Nil 	
	1.3	Action and Agreement Record – 1 October 2024
	2.1	Financial Report and Annual Performance Statement - Verbal Update following ARMC Feedback
	2.2	Reconciliation Action Plan Launch - Verbal Update
	3.1	Review of the Public Agenda for Council's Meeting of 22 October 2024
	5.1	Future Strategic Forecast – Financial Sustainability
	6.0	Mayor & CEO Update
	7.0	Councillor Discussion Time
	8.0	General Business
	9.0	For Noting
	9.1	Audit and Risk Management Committee Meeting Draft Minutes - 19 August 2024

Assembly of Councillors
Public Record



	9.2	Indicative Forum & Council Meeting Schedule
Completed By:	Beck Stevens	

16. URGENT BUSINESS

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

17. CONFIDENTIAL ITEMS

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

There were no Confidential Items listed for this meeting.

18. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 10 December 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.