

ORDINARY COUNCIL MEETING

TUESDAY 26 APRIL 2016

AGENDA

VISION: *Yarra Ranges will be a vibrant and dynamic municipality based on strong local communities living in a place of great natural beauty.*

Our world class municipality will be sustained by a strong local economy and a rich social fabric that is consistent with and supports its environmental values.

MISSION: *Yarra Ranges Council:*

- *Is a collective voice for its people.*
- *Builds healthy, connected and viable communities.*
- *Protects and enhances the natural environment.*
- *Provides transparent, accountable and participatory local democracy.*

NOTES FOR QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

(In accordance with the 2015 Council Meeting Guidelines – Public Participation)

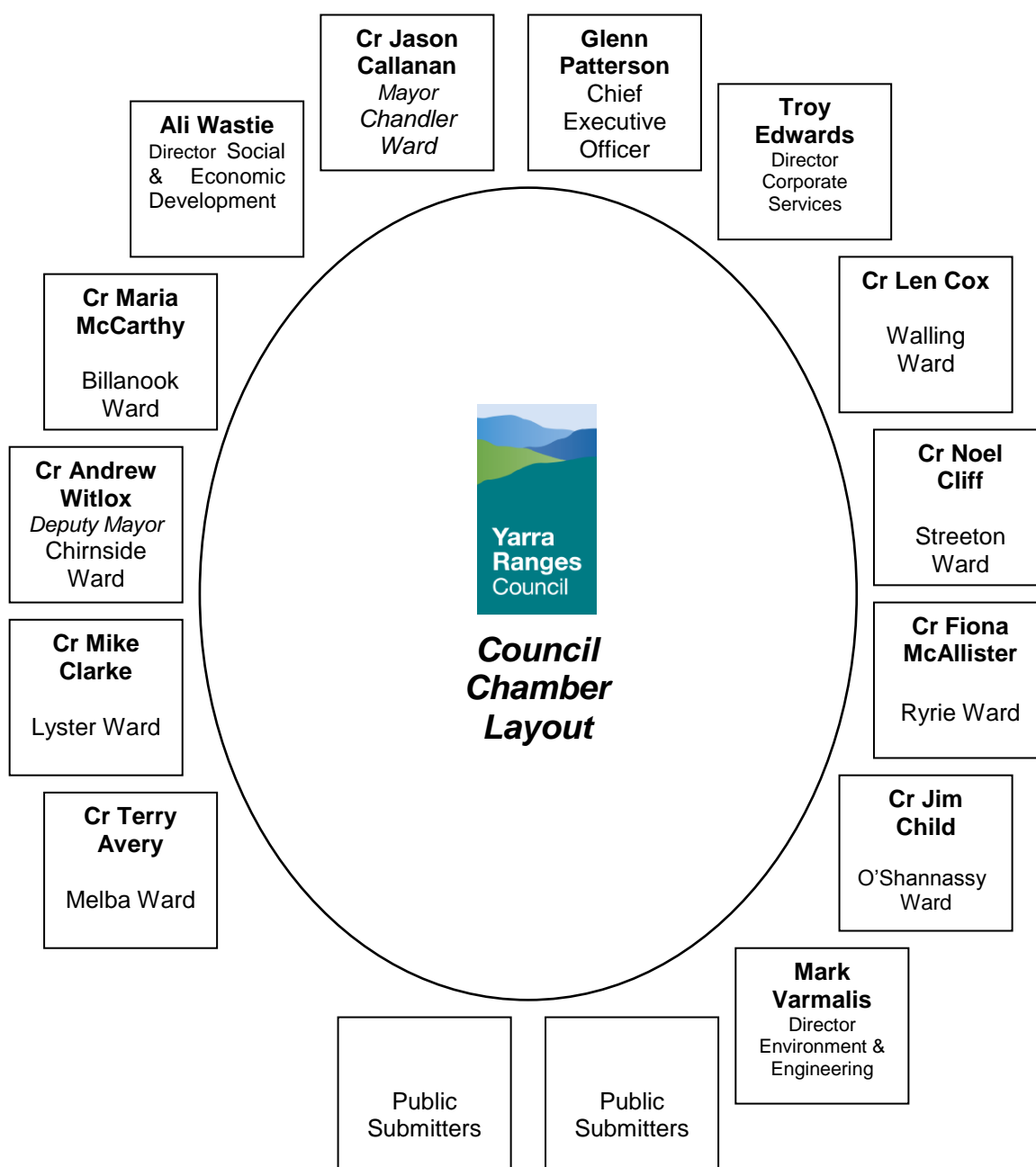
The public is invited to submit questions to the Ordinary Council Meeting by completing [the form on the Council's website](#); or via [email](#). Your question must be received **no later than 5.00pm on the day before** the [Council meeting date](#). Questions relating to items on the agenda, or which are the same as previous questions, will not be considered.

A question will not be accepted if, in the opinion of the Chief Executive Officer, it appears to be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public. A limit of one question per person per meeting will apply. Multiple parts to a question will be treated as multiple questions. A maximum of 15 minutes will be allocated to 'Question Time' at each meeting. As far as practicable, questions will be considered in the order they were received. Your question will be read out on the night and if possible will be answered by the appropriate officer. If a question cannot be answered on the night or if time constraints restrict the ability to read out a question, it will be answered in writing in accordance with Council's normal correspondence procedures. You are welcome to attend the meeting and hear the answer to your question, but it is not a requirement. If your question is addressed on the night, we will provide a copy of the answer to you in writing in the days following the meeting.

Submissions to Council on matters not listed on the Ordinary Council Meeting agenda will generally be heard before the items listed on the agenda. The subject should not relate to matters on the agenda for the meeting, or matters that have been already considered by Council or to operational issues. You must provide the required information at least eleven **(11) days before the meeting** you wish to attend to the Governance Team, to allow for consideration of your request and appropriate arrangements to be made.

You should provide sufficient copies of any supporting information you want to be distributed to all Councillors and this will be circulated upon request. A copy of any supporting electronic presentation needs to be given to Governance Team **by midday** of the date of the meeting to ensure compatibility with the Shire's computer system.

Submissions in relation to a specific item on the agenda for consideration will be invited to come forward by the Chair in the order items are listed. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest. Submissions must be made in a way that is respectful of Councillors and staff. You should make sure that you are present at the meeting when the item you wish to speak about is considered, as there will no opportunity for you to speak after the Chair has invited speakers and councillors have begun to consider the item.



INDEX

<u>ITEM</u>	<u>PAGE NO</u>
1. COUNCIL MEETING OPENED.....	4
2. INTRODUCTION OF MEMBERS PRESENT	4
3. APOLOGIES AND LEAVE OF ABSENCE	4
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	4
5. DISCLOSURE OF CONFLICTS OF INTEREST	4
6. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC	4
7. BUSINESS PAPER.....	5
SOCIAL AND ECONOMIC DEVELOPMENT	5
7.1 Planning Application YR-2015/614 - 26A Cave Hill Road, Lilydale - Buildings and Works to Construct Four Dwellings	5
7.2 Proposed Planning Scheme Amendment and Planning Permit for Burnham Beeches	38
7.3 Grants for Community Initiation Report 2017	74
7.4 Planning Application YR-2015/1046-15-17 McGrettons Road, Healesville- Subdivision of Land	92
7.5 Planning Application YR2015/948 - 1755 Don Road, Don Valley- Use of Land for Intensive Animal Husbandry	119
CORPORATE SERVICES	142
7.6 Audit and Risk Management Committee Appointments	142
ENVIRONMENT AND ENGINEERING	146
7.7 Kimberley Recreation Reserve Master Plan	146
7.8 Municipal Accommodation Project - Anderson Street Redevelopment	161
7.9 MOU – Eastern Alliance for Greenhouse Action	174
7.10 Yarra Valley Trail	191
8. COUNCILLOR MOTIONS.....	357
9. ITEMS RAISED THROUGH THE CHAIR.....	357
10. PETITIONS	357
11. DOCUMENTS FOR SIGNING AND SEALING	357
12. ASSEMBLIES OF COUNCILLORS	358
13. REPORTS FROM DELEGATES.....	361
14. CONFIDENTIAL ITEMS.....	361
14.1 Contract Approval and Variations Report for March 2016	
15. DATE OF NEXT MEETING.....	361

YARRA RANGES COUNCIL

AGENDA FOR THE 428TH ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 26 APRIL 2016 COMMENCING AT 7:00PM IN COUNCIL CHAMBER, CIVIC CENTRE, ANDERSON STREET, LILYDALE

1. COUNCIL MEETING OPENED

2. INTRODUCTION OF MEMBERS PRESENT

3. APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting has been received from Councillor Andrew Witlox.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 12 April 2016, as circulated, be confirmed.

5. DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with section 79 of the Local Government Act 1989.

6. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2015

7. BUSINESS PAPER

SOCIAL AND ECONOMIC DEVELOPMENT

No. of Pages – 14

7.1 Planning Application YR-2015/614 - 26A Cave Hill Road, Lilydale - Buildings and Works to Construct Four Dwellings

APPLICATION DETAILS

Site Address	26A Cave Hill Road, Lilydale
Application No.	YR-2015/614
Proposal	Buildings and Works to Construct Four Dwellings
Existing Use	Residential (single dwelling)
Owner	Gulliman Pty Ltd
Applicant	Mr L A Hathaway
Zone	Residential Growth Zone - Schedule 1
Overlays	DDO7 - Design and Development Overlay
Objections	10
Reason for Council Decision	More than five objections were received for the application
Ward	Melba

SUMMARY

- The application seeks approval for buildings and works to construct four dwellings, and associated vegetation removal.
- Council's Instrument of Delegation requires this application to be determined by Council as it has received more than 5 objections.
- Under the provisions of Residential Growth Zone, a permit is required for the development of more than 1 dwelling on the land. A planning permit is also required under the provisions of the Design and Development Overlay Schedule 7 for the development of more than one dwelling on the land. It is also noted that though a tree has been proposed for removal, a planning permit is not required for vegetation removal.
- The application was advertised and has received 10 objections. The key concerns raised include neighbourhood character, scale and bulk of the development, resultant amenity impacts on neighbouring properties and the surrounding area generally, traffic and on street parking impacts, and overlooking. The proposal is satisfactory when assessed against the relevant policies and provisions of the Yarra Ranges Planning Scheme and the Planning and Environment Act (1987) and it is recommended that the application be supported and a Notice of Decision to Grant a Planning Permit be issued.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2015/614 for Buildings and Works to Construct Four Dwellings at 26A Cave Hill Road, Lilydale and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

SITE LOCATION AND DESCRIPTION

The site is located on the east side of Cave Hill Road, approximately one block south of the T-intersection of Clyde Street with Cave Hill Road in Lilydale. According to a recent copy of the Certificate of Title, the land is not encumbered by a restrictive covenant.

The land is rectangular in shape with a frontage to Cave Hill Road of 15.24 metres and a depth of 40.23 metres and has an overall area of 615 square metres. The east (rear) boundary fronts Black Street which is an open gravel access road originally constructed in association with a six dwelling development at what is now 6 Black Street.

The site is currently occupied by a single storey brick veneer dwelling with vehicle access via an informal crossover and open accessway from Cave Hill Road. This dwelling incorporates a minimum front setback of approximately 7.1 metres.

A single galvanised iron garage is located to the rear of the site, off the northern boundary.

Existing vegetation on the site includes a 10 metre high Cedar tree in the property frontage and a 22 metre high English Oak on the nature-strip in front of the site. This is one of an avenue of trees that are located within Heritage Overlay (Schedule 401).

Topographically, the land falls 2.5 metres from southeast to west to east (front to rear).

A low wrought iron picket fence runs along the frontage with standard paling boundary fencing.

SURROUNDING AREA

The wider surrounding area is zoned for residential purposes and is host to a variety of allotment sizes and configurations. However, the area predominantly contains allotment sizes in the order of 650 square metres. The area is characterised by single family dwellings and multi-dwelling developments including to the north at 30 Cave Hill Road (3 double storey dwellings & one single storey dwelling), 32 to 34 Cave Hill Road (7 double storey dwellings), 36 Cave Hill Road (6 double storey dwellings).

Within the immediate context there is no dominant architectural style, however most houses appear to have been constructed during the 1950's to 1980's and comprise a mix of weatherboard and brick veneer single storey dwellings.

The site has good access to existing infrastructure and community facilities, as well as public transport and shopping centres. Notably, the Lilydale Shopping Centre is located approximately 330 metres from the site.

Adjoining Properties

The subject site adjoins two residential properties which are described as follows:

North – Land to the north at number 28 Cave Hill Road is occupied by a single storey brick dwelling that is setback 8.29 metres from the frontage and 2.0 metres from the common boundary. There are two habitable room windows facing the subject site. Further north, at number 30 Cave Hill Road, are three double storey dwellings and one single storey dwelling.

South– Land to the south at number 26 Cave Hill Road that is occupied by a single storey dwelling that has setback 7.55 metres from the frontage and 2.6 metres from the common boundary. There is one habitable room window in the north elevation facing the subject site.

Land on the east side of Black Street comprises six single storey dwellings at No. 6 Black Street. Dwelling 6 faces the subject site and is setback 5.2 metres from the frontage.

HISTORY

Application Number and Decision Date	Not applicable
VCAT History	Not applicable
Other History	Not applicable

PROPOSAL

The application proposes buildings and works in association with the construction of four dwellings. The key aspects of the proposal include:

- The removal of the existing dwelling and outbuildings.
- The construction of four double storey dwellings in a tandem arrangement.
- Dwelling 1 is to front Cave Hill Road with a setback of 5.03 metres. Dwelling 2 is attached to the rear of this dwelling and is separated from the rear two dwellings by 1.2 metres.
- Dwelling 1 includes ground floor use as two bedrooms, bathroom, laundry and entry (113.5 square metres) and first floor use as master bedroom, kitchen, living, meals and ensuite (64.4 square metres). The dwelling includes a north elevation balcony (9 square metres) with access from the living room. Vehicular access is proposed to be via existing arrangements with compact Lilydale topping to replace the existing open accessway.
- Dwellings 2 and 4 propose ground floor use of 2 bedrooms, bathroom, laundry and entrance (89.4 square metres and 81.4 square metres). The first floor includes living, kitchen and meals (48 square metres and 46 square metres) with a north facing balcony (8.82 square metres). Vehicular access to dwelling 2 is to be via a crossover

from Black Street and a common accessway while vehicular access to dwelling 4 will be via a separate crossover from Black Street.

- Dwelling 3 includes ground floor bedroom, ensuite, kitchen, laundry and entry (65 square metres) and first floor use as bedroom, ensuite, dining, living and meals (53 square metres). This dwelling includes a balcony abutting the north elevation with access from the dining room (9.14 square metres). Vehicular access to this dwelling is to be via a crossover from Black Street and a common accessway shared with Dwelling 2.
- The new dwellings propose an overall maximum height of 7.4 metres.
- External building materials and finishes for the new dwellings comprise face brickwork at ground floor level (Storm) and rendered walls at first floor level. Dwelling 1 includes a 22.5 degree pitched Colorbond roof while Dwellings 2, 3 and 4 include skillion Colorbond roofing.
- An exotic tree (*Cedrus* sp. (Cedar tree)) and a number of shrubs are to be removed from the subject site, none of which require planning consent.

PLANNING CONTROLS

Zoning:	Clause 32.07 Residential Growth Zone - Schedule 1
Overlay:	Clause 43.02 Design and Development Overlay – Schedule 7
State Planning Policy:	Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 16 Housing
Local Planning Policy:	Clause 21.04 Land Use Clause 21.06 Built Form Clause 22.07 Lilydale Activity Centre
Schedule to Clause 53:	Not applicable
Other Requirements:	Clause 52.06 Car Parking Clause 55 ResCode – Two or more dwellings on a lot Clause 65.01 Decision Guidelines

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

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

A CHMP is not required for this application.

EXTRACTIVE INDUSTRY

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

STAKEHOLDER VIEWS

External Referrals

Authority	Consent/Objection – Summary of Conditions
N/A	N/A

Internal Referrals

Department	Summary of Response
Development Engineer	<p>The Development Engineers have not raised any objection and have commented as follows:</p> <p>The turning movements for vehicles attempting to manoeuvre within the property from the single garages of Dwellings 2 and 3 have been checked and are satisfactory with area in which to reverse and thus exit in a forward direction.</p> <p>Vehicles will need to reverse from the garage, car space and access way of the Dwelling 1 into the cave Hill Road reserve. This is satisfactory as the road carries moderate residential traffic volumes'</p> <p>Vehicles will need to reverse from the garage & access way of the Dwelling 4 into the Black street road reserve. This is satisfactory as the road carries low residential traffic volumes.</p>
Arborist	<p>Due to the proximity and potential impact of the vehicle crossing with a nearby street tree protected under the Planning Scheme (Tree 1, twenty two metre high English Oak), the application was referred to Council's arborist for comment.</p> <p>No objections were received subject to 3 conditions seeking to establish tree protection measures, diversion of underground pipes outside the tree protection zone, and no additional earthworks within the tree protection zone, of Tree 1.</p>

Objections and Consultation

✓ Mail ✓ Sign ✗ Local Newspaper

Refer to locality plan attachment 3 for location of objectors.

Number of Objections: Ten

The main issues raised within the objections include:

- The two storey nature of the dwellings and the provision of four 4 on the site is an overdevelopment.
- The proposal would result in overlooking and loss of privacy to adjoining properties.
- The proposal would result in increased traffic, dust, damage and congestion to, and along Black Street and surrounding street networks.

A consultation meeting was held on 7 March 2015 which was attended by ten objectors, the Ward Councillor, the applicant and Council officers.

In this meeting it was noted by officers that the subject site was located in a growth area and that increased density development was being experienced along Cave Hill Road and is consistent with the policies contained within the planning scheme.

Opportunities for screening were also discussed to ensure that the proposal did not result in unreasonable levels of overlooking to adjoining properties. A number of conditions have been recommended to limit overlooking as per these discussions.

The modest increase in the number of vehicle movements along Black Street was also highlighted and it was suggested that this modest increase would not result in significant levels of additional dust generation or unreasonable vehicle congestion along this section of the street.

A number of other issues were raised such as waste truck reversing along Black Street, difficulties encountered by residents when negotiating the left and right hand turn into Robert Street due to the level difference, location of existing street trees and gravel surfacing of Robert Street, and existing drainage and parking within Black Street. Council's development engineer took note of these existing issues and they will be addressed later in the report.

Despite significant discussion, there were no resolutions achieved nor any changes agreed to by the applicant.

ASSESSMENT/ KEY ISSUES

The proposal has been assessed against the applicable State and local planning policy provisions, zone and overlay requirements, Clause 52.06 car parking, Clause 55 Rescode provisions. Having regard to the requirements of the planning scheme and the concerns raised by surrounding objectors, the proposal is found to be supportable.

The site is recognised as being able to achieve an increase in residential density, as is called for under the planning scheme. The following assessment identifies the key issues requiring further discussion.

Policy Context

The site is located within a Residential Growth Zone schedule 1 which seeks to encourage a diversity of housing types and housing growth in locations offering good access to services and transport, to transition the scale of development within the consolidation area that interfaces with areas of more restricted housing growth, and to ensure that all development respects the surrounding neighbourhood character.

Schedule 7 of the Design and Development Overlay affects the site. This schedule relates to Neighbourhood Centres and Rural Township Consolidation Areas and seeks to increase residential density within the housing consolidation area of Lilydale, subject to appropriate design. These design objectives seek to provide for a range of housing types, including higher density built form that incorporates appropriate upper level articulation, transition of scale to adjacent lots, protection of amenity to adjoining lots by confining higher built form

to larger lots, and to encourage larger development to utilise undercroft or basement parking. The design objectives further seek to minimise the impact of accessways and parking areas and encouraging planting and landscaping.

The subject site is located in 'Area C' of the Lilydale Activity Centre policy (Clause 22.07). Area C describes these residential areas for major higher density opportunity. That said however, there are stipulations that counter the degree to which dwelling density can be increased.

Neighbourhood Character and Built Form

An inspection of the locality reveals that the area is predominantly characterised by single storey detached dwellings constructed of either brick or weatherboards, with hipped tiled roofs. There is also an emerging presence of medium density housing within the immediate surrounding area. In relation to built form, most dwellings are set back from the street enabling the provision of established front gardens and a landscaped setting. In addition, dwellings are generally set back from both side boundaries, however garage or carport structures often abut either a side or rear boundary.

This area is also characterised by a dominance of new, infill multi-dwelling development that has been constructed from the 1970's to present. These multi-dwelling developments are typically constructed in brick with tiled roofs and incorporate frontage setbacks ranging from 5 to 10 metres, with the more recent development typically closer to the former. There are some front fences and gardens are established with mixed vegetation.

Cave Hill Road is largely influenced by the significant English Elm street trees which are typically around 15 metres in high. These trees are contained within Heritage Overlay (Schedule 401 – Lilydale Historic Street Trees) and provide a landscaped streetscape and unify the range of dwelling styles and building scale found in the area.

The proposed site layout includes Dwelling 1 with frontage to Cave Hill Road and Dwellings 2, 3 and 4 which are located to the rear with access from Black Street. The ground floor of Dwelling 1 is proposed to abut the north and south boundaries. Whilst boundary to boundary development is normally discouraged, the dwelling to the north at 28 Cave Hill Road is setback 2 metres from the boundary and the dwelling to the south at 26 Cave Hill Road is setback 2.7 metres from the common boundary. These setbacks therefore ensure the existing dwelling spacing in Cave Hill Road is maintained, albeit borrowed from adjoining properties.

Further, the ground floor wall heights are 2.7 metres, and upper level side setbacks are utilised ensuing that the boundary section of the proposal are not the primary point of focus.

The front setback to Cave Hill Road of 5.41 metres is also less than the existing setback as well as the setbacks of dwellings to the north and south. This setback however, is consistent with more recent multi-dwelling development along Cave Hill Road to the north, where two storey dwellings setback from the street by around 5.0 metres is essentially the norm and is an established feature of multi-dwelling development in this area.

The design of Dwelling 1 (the dwelling fronting Cave Hill Road) includes hipped Colorbond roofing with eaves and face brickwork at ground floor level. The upper level is also recessed in from the ground floor footprint and is articulated to reduce the appearance of

visual bulk. The design and materials of the dwelling are consistent with both the existing dwellings and newer dwelling developments in the area.

The site layout also includes part of the secluded open space in the front setback of Dwelling 1. This includes construction of a 1.8 metre timber slat fence in the frontage that is setback 2.0 metres from Cave Hill Road. This is in addition to the first floor balcony that meets the private open space requirements for this dwelling. Whilst the provision of private open space within the frontage is generally considered a poor outcome, the setback coupled with a requirement for substantial landscaping in front of it, will reduce the visibility of the fence.

This response is considered to be acceptable as the remainder of the frontage is open to the street to provide a sense of address and openness in the streetscape that is a characteristic of this area. Furthermore, it will partially disguise the southern section of the ground floor element which abuts the boundary. The landscape plan also includes some medium storey trees / shrubs along the proposed paling fence which will soften the appearance of the fence within the streetscape.

The dwellings propose an overall maximum height of 7.4 metres and partially recess the upper level in from the ground floor footprints of the dwellings. The first floors of Dwellings 3 and 4 are proposed to be setback 2.0 metres and 3.0 metres from the north boundary and also include balconies that are proposed to be setback 1.0 metre from the north boundary. These setbacks are satisfactory for a multi-dwelling development within a Residential Growth Zone that encourages higher density development throughout the site (the single non-compliance being the upper level eastern elevation of the rear dwelling, which fronts Black Street). The design of the rear dwellings include ground floor face brickwork and first floor render and skillion roofing to provide visual interest while limiting madding and bulk when facing abutting properties.

The site layout also includes a 1.2 metre separation between the ground floors of Dwellings 1 and 2 and Dwellings 3 and 4. This setback, in conjunction with the 3.2 metre separation between the upper levels of Dwellings 2 and 3, provide a visual break in the centre of the site that is considered reasonable when viewed from the rear yards of both adjoining dwellings.

The provision of a separate driveway access to Black Street is a site responsive design as it reduces the need for crossover alteration on the Cave Hill Road frontage that might impact upon the significant street tree.

The area is identified within the planning scheme as being capable of transformation from the traditional single dwelling developments to higher density developments and such this type of development is being sought by land owners, with many examples having been approved and under construction. Overall it is considered that although the proposed development is not an ideal outcome, given the site's location within the growth zone and the site's proximity to the public transport and services, when assessed against the relevant planning policies, the proposal manages to achieve a reasonable level of compliance with the planning scheme.

Access and Parking

Dwellings 2-4 incorporate two bedrooms and a single garage dimensioned not less than 6.0 metres by 3.5 metres. Dwelling 1 incorporates three bedrooms and provides a single garage and a tandem car parking within the accessway. This meets planning requirements.

The proposal seeks to retain an existing crossover from Cave Hill Road and to construct a 3.5 metre wide packed Lilydale topping accessway to service the single garage of Dwelling 1. As such, the proposal will present to the street as a single dwelling with a single crossover and parking arrangement.

Dwellings 2, 3 and 4 (to the rear of Dwelling 1) are to be accessed via two proposed crossovers from Black Street to the rear. The northern crossover provides direct access to the single garage of Dwelling 4 which abuts Black Street while the southern crossover provides direct access to the single garages of Dwellings 2 and 3 via a common accessway.

Council's Development engineer assessed the turning movements necessary to access all garage elements and have concluded that they are reasonable. Vehicles utilising the garage elements of dwellings 1 and 4 are able to reverse directly onto Cave Hill Road and Black Street respectively, which is reasonable given their modest traffic flow, while vehicles utilising the garage elements of dwellings 2 and 3 are able to undertake a three point turn within the site and exit to Black Street in a forward direction.

Although Black Street does not allow vehicles to pass one another, an overtaking point exists at the intersection of this street and Robert Road to the south. It is noted however, that the overall use of this road will continue to be relatively modest and not in excess of what would have been assumed reasonably when it was constructed.

With respect to rubbish collection Council's Engineering department have stated that a reasonable three point turn opportunity exists for rubbish collection vehicles. This provision was negotiated during the assessment of the multi-dwelling development for which Black Road was created (6 Black Road). As part of this arrangement the front section of the accessway into 6 Black Road was reserved for public use and this will enable the collection of rubbish for Dwellings 2, 3 and 4.

Vegetation and Landscaping

The subject site incorporates a 10 metre high Cedar tree within the front setback of the site and a number of modest shrubs which will be removed to facilitate the proposal. None of this vegetation triggers a planning permit requirement for removal

Further, none of this vegetation constitutes a visually significant aspect of the streetscape and none of this vegetation is of significant habitat or ecological value.

A significant tree is, however, located in front of the site within the road reserve. This street tree is a 22 metre high English Oak street tree which is part of a row of trees that are covered by a Heritage Overlay (Schedule 401).

An existing open accessway runs within the tree protection zone of this tree to the subject site and this will be modified to incorporate compacted Lilydale toppings which will not require any additional cut or excavation.

Council's arborist has consented to the current proposal subject to strict permit conditions to ensure that tree protection measures are implemented, that the diversion of all under service pipes around the tree protection zone are carried out, and that no additional excavation within the tree protection zone are undertaken.

A landscape plan was submitted with the application and this outlays a site responsive response to the proposed development layout. The landscape plan does not incorporate significant canopy vegetation in the property frontage which is considered to be reasonable given the dominance of the English Oak referred to above in setting the vegetation character of the street.

Several small and medium trees and shrubs are located across the site and will effectively serve to visually soften the development while respecting the need for usable open space areas.

Amenity Impacts

Overshadowing

The applicant has submitted diagrams for the Equinox that indicate there will be minor overshadowing to the south beyond the existing fence shadow in the side setback and rear yard of 26 Cave Hill Road, however this is limited in duration and extent and meets the requirements of the planning scheme.

Overlooking

There is an existing 1.8 metre high timber paling fence along the north boundary. The plans indicate the provision of a 600mm trellis on the fence to adequately screen views from the ground floor living areas and deck of Dwellings 2 and 3.

There is also an existing 1.8 metre high timber paling fence along the south boundary that provides screening of views from the ground floor windows. The bedroom window of Dwelling 4 will have views over the fence, however is facing a garage in the rear yard of number 26 Cave Hill Road. Similarly, the first floor meals window of Dwelling 4 includes clear glazing but this also faces the shed associated with number 26 Cave Hill Road. However this was raised as a strong issue by the adjoining lot owner in the consultation meeting. The owner of the subject site agreed to provide 1.7m high louvres to this window to prevent any overlooking.

There is clear glazing in the first floor south elevation master bedroom windows of Dwelling 3 that are setback 7.3 metres from the south boundary. This has capacity to overlook the private open space associated with the adjoining dwelling to the south and these windows be screened as a condition of approval to remediate this. Again this was raised in the consultation meeting and the owner agreed to provide 1.5m high louvres with a free standing structure providing 450mm high trellis above the boundary fence to prevent overlooking. Following the consultation meeting the applicant has provided an overlooking diagram which confirms this.

There are also first floor balconies to the dwellings. However, these include privacy screens to a minimum height of 1.7 metres to prevent direct overlooking from the living areas for Dwellings 2, 3 and 4. Dwelling 1 does not include a screen on the north elevation as it is facing the frontage of 28 Cave Hill Road only.

Further to the above, at the request of the owner of 6/6 Black street, the owner agreed to provide a 1.5m high louvres to the east elevation living room window of dwelling 4 to prevent any overlooking into the bedroom windows of 6/6 black street.

Internal Amenity

Dwellings 2, 3 and 4 include a small service yard in the northern setback (8.0 square metres to 27.78 square metres) at ground floor level while Dwelling 1 includes a courtyard in the western/frontage setback (19 square metres).

Given the reverse living arrangement of the dwellings, each dwelling includes a first floor balcony with access from the meals area (8.0 square metres to 9.8 square metres).

The area and dimensions of the private open space areas for the dwellings meet the requirements of the standard. They are also located to enjoy appropriate access to natural light as well as sky views.

There are opportunities for internal overlooking between Dwellings 2 and 3. To remediate this, condition of any planning permit issued will require the eastern elevation of the upper level balcony of Dwelling 2 and the western elevation of the upper level balcony of Dwelling 3 to be screened to the satisfaction of Council.

It is acknowledged that the proposed dwellings have not been provided with 6.0 cubic metres of external storage. Despite this the proposal does incorporate adequate internal storage areas and there is considered to be a reasonable storage capacity within the garages for the purpose of a two bedroom dwelling.

Bin storage and clothes hanging provisions are also provided.

Response to Grounds of Objection

In response to the specific grounds of objection the following brief responses are offered (if not already responded to earlier in the report):

- The number of dwellings on the site is excessive and the design and density is not consistent with the established character of the area.

The subject site is zoned Residential Growth Zone and is subject to a Design and Development Overlay (Schedule 7). Both of these provisions support increased density and dwelling choice provided that appropriate design is used.

The proposal is consistent with more recent multi-dwelling development to the north along Cave Hill Road which itself is reflective of the evolving character of the area in response to considered planning policy.

- Overlooking

Timber paling fences and proposed trellis atop adequately screens most ground floor elements from overlooking and none of the deck or window areas facilitate views to sensitive areas associated with adjoining properties.

Upper level windows will require some screening to prevent overlooking and this will be required as a condition of any planning permit issued.

All first floor balconies capable of facilitating overlooking to sensitive areas of adjoining properties are screened.

- Black Street access and associated issues

It is noted that Black Street is a modest access street providing access to eight dwellings along the relevant section of Black Street to Cave Hill Road. The proposed access points to the subject site are located at the northern end of this street and will increase that number by three dwellings. Each of which is to be provided with a single car parking space.

Although limited passing options are available along Black Street, the limited length to the nearest intersection with Robert Street will allow sufficient flexibility for driver etiquette to facilitate reasonable traffic flow.

It is acknowledged that Black Street is not sealed, however given the addition of only three additional vehicles utilising this road it is not warranted to require sealing of the road at the developer's expense. This approach was adopted by council when permission was granted for the first medium density development on Black Street (6 Black Street) and the condition was deleted by VCAT.

In regards to the Waste truck reversing along Black Street, Council's Waste Service Supervisor has contacted the relevant contractors and advised them that there is sufficient room for a waste truck to turn around at the end of Black Street. Furthermore all garbage trucks have surveillance cameras and residents are urged to contact Council immediately if they believe a garbage truck has caused damage to their property.

In relation to the parking issues on Black Street, Council traffic engineers have advised that they were unaware of parking issues on Black Street as no complaints have been lodged. All illegal parking on Black Street should be reported to Council's Local Laws Department.

For drainage issues, the Development Engineer has recommended that a condition requiring a detention system, preferably with a portion in the form of rainwater tanks and/or Water Sensitive Urban Design elements, be installed on the development to

restrict the discharge from the site and so reduce the impact of the extra runoff on the existing drainage infrastructure. This would ensure that the development will not have an adverse impact on the existing drainage infrastructure in Black Street.

Lastly a Construction management plan will be required as a condition of permit which would provide details of the delivery frequency for the construction materials, measure for noise control, dust control etc. once approved, this plan will ensure that the amenity of the residents on Black Street is not disrupted during construction phase.

CONCLUSION

The proposal is consistent with the applicable policy provisions for the site and more specifically an assessment against the Residential Growth Zone, Design and Development Overlay, State and Local Planning Policies, car parking and rescode has found that the proposal generally complies with decision guidelines and objectives. The proposed development of the land presents an appropriate addition to the area. It is considered the proposal will achieve a higher density development with good design merit and much needed dwelling diversity of some two bedroom dwellings rather than just three bedroom dwellings.

It is therefore recommended that the application for four dwellings be approved and a Notice of Decision to grant a permit be issued.

ATTACHMENTS

- 1 Conditions
- 2 Planning Scheme Provisions
- 3 Notification
- 4 Locality Plan
- 5 Aerial View
- 6 Site Layout and Ground Floor Plan
- 7 Site Layout and First Floor Plan
- 8 Elevations
- 9 Shadow Diagrams
- 10 Landscape Plan

7.2 Proposed Planning Scheme Amendment and Planning Permit for Burnham Beeches

RESPONSIBLE OFFICER Director Social & Economic Development

SUMMARY

The owners of Burnham Beeches, 1 Sherbrooke Road, Sherbrooke, have applied for a concurrent planning scheme amendment and planning permit to enable their vision for the land. The proposed planning scheme amendment will retain the site in the Special Use Zone, but remove the site from the Special Use Zone Schedule 2 (SUZ2) and create a new, stand alone schedule for Burnham Beeches, reflecting the owner's current vision for the development of the site. Notably, the proposed schedule removes the caps on patron numbers which were previously applied addressing development of the Norris Building only. The proponents also wish to retain the current exemption from public notification and review. Considering the proposed schedule allows opportunity for additional development (beyond what is contemplated by this permit application) - there appears to be no logic in restricting consultation on future planning applications. A recommended officer version of the Schedule, deleting this exemption is included in the attachments.

The Special Use Zone requires a planning permit for all buildings and works and for use of the land as set out in the Schedule. Despite the current permit for some existing use and development of the site, it is the proponent's desire to have one, new overarching planning permit for the entire site. This will provide an opportunity to address the proposed development comprehensively and to revisit as needed any current planning conditions as needed.

The proposed permit will include: the restoration of the heritage listed Norris Building for use as a 48 room hotel with associated facilities, the existing bakery and restaurant in the piggery building, an additional restaurant, a shop/ teahouse, staff accommodation and associated buildings and works. The planning permit will also address a variation in parking requirements, vegetation removal and matters specified in the Bushfire Management Overlay. Note: all works to existing buildings on site will be required to obtain a separate permit from Heritage Victoria as the site is of State heritage significance.

Overall, the current proposal is significantly reduced in scale and intensity from the proposed planning scheme amendment considered by Council at its Meeting of 11 August 2015, and responds favorably to concerns expressed by Council and the local community at that time. Due to the combined amendment / permit process the State Government will require a draft permit to support the authorisation request. In addition, to enable a transparent public consultation and allow Council to assess the application some additional information must be provided as outlined in this report prior to exhibition.

RECOMMENDATION

That Council

1. ***Request the Minister for Planning authorise the preparation and exhibition of a combined planning scheme amendment and planning permit for Burnham Beeches located at 1 Sherbrooke Road, Sherbrooke with use and development of the site generally as proposed but with modification to the schedule to the Special Use Zone generally as shown in Attachment 1C to this report.***
2. ***Advise the applicant that a draft planning permit will be required as part of the authorisation request and that additional traffic information and an arborist report to address matters raised in this report will be required to be provided to Council prior to public exhibition.***

PROPOSAL

Under Section 96A of the *Planning and Environment Act 1987*, the owners of the site have submitted a joint planning scheme amendment and planning permit application. The site is currently zoned Special Use Zone Schedule 2—Major Tourist Facility (SUZ2), and is located at 1 Sherbrooke Road, Sherbrooke in the Dandenong Ranges. It is bordered by the Dandenong Ranges National Park, Alfred Nicholas gardens and rural living allotments to the north.

The proposal is intended to retain the site in the Special Use Zone but to enable the applicant's vision for the future of the site via a new schedule, chiefly by removing the current restrictive caps on patron numbers. The current schedule states in relation to Burnham Beeches that:

A permit may be granted only if the total guest accommodation does not exceed 110 suites and dwellings, the number of restaurant seats does not exceed 120, the bar/lounge area does not cater for more than 52 people and function facilities do not cater for more than 375 people.

In order to further develop the site, a new, stand alone schedule to the Special Use Zone (SUZ) is proposed in which the above reference to patron numbers is removed. In addition, the new schedule proposes a revised 'table of uses', which further enables the applicants' vision by modifying details of land uses that can occur without a permit, land uses that require a planning permit, and those that are prohibited. While the applicant has provided a preferred schedule (see Attachment 1B), it is recommended to exhibit the modified version in Attachment 1C. Further explanation on this is presented in the 'Issues' Section.

Simultaneous with the planning scheme amendment proposal, the applicant has made an application for a planning permit. The permit application broadly includes the following components:

- Use and development of a residential hotel of 48 rooms including the restoration of the historic Norris Building. Within the hotel building, ancillary uses include a function

ballroom, a restaurant, and two bars. The actual physical restoration/ development of the Norris Building will be subject to a permit from Heritage Victoria.

- Use of the existing licensed café and bakery in the old piggery building for 188 patrons. While this has existing planning permission, the applicant seeks to incorporate it into one new overarching planning permit for the site for the purposes of clarity.
- Use and development of a new proposed restaurant for 140 patrons
- Use and development of a shop for 60 patrons, described as a providore/ teahouse
- Use and development of a microbrewery for 120 patrons (partially in the existing silos)
- Use and development of staff accommodation in the 'Calferly building'—two suites
- Use and development of staff accommodation in a new building—two suites
- A reduction in the required parking spaces for the above land uses
- Associated buildings, works, and vegetation removal.

A masterplan showing the proposal is included in Attachment 2.

BACKGROUND

Burnham Beeches was the former home of the Nicholas family (Aspro founder) and is a State Heritage listed site along with the adjacent Alfred Nicholas gardens. The house, built in 1933, was designed by the well known architect Harry Norris, and is often referred to as the 'Norris Building'. The overall site is approximately 22.6 hectares.

In the years since the Nicholas family occupied the property, the Norris Building has been used for a number of activities including a hospital, but its last iteration was as a luxury hotel which closed around 20 years ago. During its time as a hotel two wings were added to the original building. The associated formal gardens which formed the main entrance to the house have subsequently been subdivided from the site and are now owned and managed by Parks Victoria (The Alfred Nicholas Gardens). Outside of the house the majority of the site has been and continues to be used as a farm, with a number of farm buildings scattered on site.

The Norris Building's previous use as a luxury hotel is the reason for the existing Special Use Zone and schedule. The Zone allows for a 'major tourist facility' in the existing house and places specific limitations on the number of patrons and number of hotel suites allowed within the heritage building. The current schedule does not contemplate development of anything outside of the historic house (Norris Building). The restrictions on patrons and suites are a legacy of the former Shire of Sherbrooke Planning Scheme, and were transferred into the new Yarra Ranges Planning Scheme in July 2000. With the introduction of State standard planning provisions in the late 1990's, the Special Use Zone was applied to a handful of sites to recognise existing or approved development that did not fit into the standard suite of zones.

The site has a long history of planning applications, culminating last year in a planning scheme amendment application to facilitate a three stage master plan which proposed to reinstate a 46 suite hotel and function facilities in the Norris Building, with the remaining area of the site to be fully developed with 2 restaurants, brewery, shop / café, a spa (wellness) centre, cooking school, group accommodation, outdoor cinema / concert facilities and agriculture. The master plan also proposed approximately 80 dwellings ('villa units') ranging from 1 - 5 bedrooms to be located on the site, along with 20 camping 'pods'. The villa units were intended to be used and managed as part of the hotel accommodation but sold individually. They were consequently required be considered as dwellings.

On 11 August 2015, Council resolved to support the redevelopment of Burnham Beeches for tourism in principle, including the restoration of the Norris Building, but not to support the intense residential development component of that proposal. The current proposal has responded to these concerns favourably with the removal of the villa units and camping pods.

PLANNING CONTROLS AND POLICY FRAMEWORK

Current Planning Controls

The site is predominantly within a Special Use Zone Schedule 2 (SUZ2), which is intended to allow for the use of a major tourist facility such as a hotel or function centre. The SUZ2 has restrictive limits on patron numbers, which currently prevent the applicants from realising their vision for the site. The current 'Table of Uses' in the SUZ2 would also not allow some of the land uses proposed by the applicants such as the brewery and shop or in future a market. In order to enable the applicants' vision therefore, a new schedule is needed.

Other planning controls applying to the site include a small portion of land zoned Green Wedge A Zone (GWAZ1), as well as the Environmental Significance Overlay (ESO-Z3), Erosion Management Overlay (EMO), Significant Landscape Overlay (SLO9), Heritage Overlay (State control) and Bushfire Management Overlay (BMO). The BMO is of particular relevance where new buildings created, or extensions to buildings of over 10% of the current gross floor area, will need to satisfy the requirements of the BMO. Attachment 3 shows the planning controls that apply.

Strategic Assessment

The proposal finds support in State and Local Planning Policy within the Yarra Ranges Planning Scheme, is consistent with relevant Ministerial Directions, and has a sound strategic basis. Broadly, existing policy supports use and development of land which generates tourist and employment opportunities, provided it is respectful of the landscape and environment, responds to community values and heritage characteristics, and does not present an unacceptable response to bushfire risk. A thorough strategic assessment of the proposal is included in Attachment 4.

The amendment also finds support in clause 16.14 of the *Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan*, as detailed in Attachment 4. Under the Planning and Environment Act 1987, the Minister for Planning may not approve any amendment to the Yarra Ranges Planning Scheme which is inconsistent with the Regional Strategy Plan.

ISSUES TO BE ADDRESSED

New Schedule to the Special Use Zone (SUZ11)

To enable the schedule to the Special Use Zone to accommodate the owners' vision an entirely new schedule to the SUZ is recommended. The schedule currently in the Planning Scheme is shown in Attachment 1A. The applicants have supplied a version which is included in Attachment 1B and officers have drafted a third preferred version of the Burnham Beeches schedule shown in Attachment 1C.

While the applicants have submitted a Schedule to the Special Use Zone (Attachment 1B), it is recommended to seek authorisation from the Minister for Planning to exhibit a version generally as modified by Council officers (Attachment 1C). The essential differences between the applicant's versions and the officer's are:

- The applicants' version does not require a dwelling *to be for guests or tourists*. This would mean that planning applications could be lodged in the future for private dwellings separate from the major tourist facility land uses.
- The applicants' version states that any future planning application on the land would be exempt from the notice and review requirements of the *Planning and Environment Act 1987*. This means that there would be no public notification or ability for the community to comment or seek a review on any future planning permits. The officers' version removes this exemption. There is further discussion of this provision under 'Key Issues' below.
- Some minor errors in the applicant's version have been corrected, for example where land uses are referred to in multiple sections
- The officers' version adds required sections to address use of land, subdivision, buildings and works, and advertising signs.

The following provides a detailed summary of the differences between the existing schedule (1A) and the officer's recommended one (1C).

Proposed change	Reason
Caretaker's House is proposed as an as of right use.	A Caretaker's House would fall under permit required Dwelling in the Table of Uses. The potential for a caretaker's house will support ongoing use of the site as a major tourist facility.
Crop Raising is proposed as an as of right use.	The growing of crops on the land is part of the applicant's commercial vision for sustainable agriculture in association with the food and drink premises proposed. The site is has previously been used for agriculture, which would support its continued use for this purpose.
Cinema is proposed as a planning permit required use, rather than a prohibited use in the SUZ2.	This will enable a planning permit application to be made for a cinema should the applicants wish in the future.

Dwelling is retained as a use for which a permit is required, however a condition is added that it must be for guest or staff accommodation.	This condition will prevent any future development and sale of separate, non tourist related dwellings on the land, and ensure that the purpose of the land to provide for a major tourist facility is adhered to. The need for any dwelling to be used for tourists 'guest accommodation' replicates restrictions on dwellings in the current SUZ2.
Education Centre is added as a permit required use, with a condition that this cannot be for a primary school, secondary school, tertiary institution or business college.	This will enable a permit application for a training centre, cooking school, or other similar use.
Exhibition Centre is proposed as a permit required use, rather than a prohibited use in the SUZ2.	This will enable a permit application to be made as needed to include an art gallery, museum, or similar use in the future.
Market is added as a permit required use, rather than a prohibited use in the SUZ2.	This will enable a permit application to be made for a farmer's or community market as required in the future.
Industry is added as a permit required use, rather than a prohibited use in the SUZ2 but this is restricted to a brewery.	This will enable a permit application to be made for a micro-brewery.
Manufacturing Sales is added as a permit required use, with a condition that this must be a brewery. Manufacturing Sales is prohibited by the SUZ2.	This enables the current application, which includes use and development of a micro-brewery.
Shop is added as a permit required use.	This enables the current application, which includes the use of a shop, described as a providore / teahouse.
Restrictions on patron numbers removed.	The SUZ2 has restrictive limits on patron numbers. The removal of this restriction will enable the appropriate use of the land to be determined by this and subsequent planning permit applications.
Exemption from notice and review is removed.	Given the range of land uses that can now be the subject of planning permits applications, it is necessary that future planning applications be subject to notice and review processes.
Sections added to address use of land, subdivision, buildings and works, and advertising signs.	These are necessary components of a schedule to the Special Use Zone.
The reference to the need to have regard to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP) in any planning permit decision is removed.	The planning scheme is consistent with the RSP by law. It is sufficient for permit applications to refer only to the planning scheme.

Traffic management

Traffic reports provided to date do not adequately address vehicle access to and from the site. Two points of potential access currently exist. The first point is the main entrance to the site from Sherbrooke Road which in the new proposal is to be used for coaches and

service vehicles and is the access point currently used. The second access point, intended for future use for all hotel and public access, is via a connection to the site through the Alfred Nicholas Gardens, as seen in Attachment 2.

The current permit YR-2004/2028/B requires either or both of the following to be completed to address the safety of motorists, pedestrians and cyclists entering and exiting the site:

- Engineering plans for the intersection works in Sherbrooke Road, including a new right-turning lane and a widening of the existing access lanes; and/or
- A Traffic Engineering Assessment showing all ingress and egress vehicle movements using both the existing site entrance and the entrance to the Alfred Nicholas Gardens, including appropriate turning diagrams and intersection analysis.

Neither of the above requirements has been met to date.

The second option above required a legal agreement from Parks Victoria, which has now been completed. Problematically, the agreement contains limitations that cannot guarantee regular and ongoing access to the site from the Alfred Nicholas Gardens as an alternative to option 1 above. For example, the Agreement commences on 30 December 2016 (unless the applicants request an earlier start) and lasts for three years, after which the applicants will need to renew the Agreement. It is unclear whether the applicants intend to commence their agreement with Parks Victoria prior to 30 December 2016, and if not, what the intentions are to access the site safely prior to that date. It is also noted that Parks Victoria are under no obligation to renew the Agreement. In addition, Parks Victoria reserves the right to close the park for special events or during times of high fire risk.

With benefit of the Parks Victoria agreement, it is apparent that there are some further issues which will need to be addressed in the traffic reports to ensure the safety of visitors to the site—at a minimum a contingency plan for days when the Park is shut. Notwithstanding the current outstanding permit requirements above, the proponent can now provide a more comprehensive analysis of the existing permit conditions and proposal for how traffic will be managed. This should be fully detailed in the traffic reports for public exhibition.

Application documents

Officers preliminary review of the application documents has revealed a number of inconsistencies, many of which arise from reports having been written at various stages in the past, and some of those relating to previous iterations of the vision for the site. Before Council can apply to the Minister for Planning for authorisation to prepare and exhibit the Amendment, a complete set of accurate and consistent application documents and reports is needed.

The current application does not contain an arborist report, which will be required. The plans provided, particularly for the new car park, show trees to be removed, however there are currently no available details of tree species, size or health. There are similarly no details provided of which trees may be affected by works occurring in proximity to them. Should arborist information reveal unacceptable vegetation impacts, current plans may need to be amended accordingly.

Draft planning permit

The Department of Environment, Land, Water and Planning (DELWP) requires a Draft Planning Permit for a Section 96A proposal at authorisation stage, and hence the applicants will need to provide this. Council officers will seek advice on the permit from DELWP, other agencies, internally within Council, and throughout the exhibition period.

As a basis for a future permit, the proposal contains the following permit triggers as considered against the officers' version of the proposed new Schedule to the Special Use Zone (Attachment 2C):

Permit required as per Special Use Zone		Land Use Category
Use and Development Hotel	48 rooms – 100 patrons Ancillary restaurant and bars. – 120 patrons Function room – 180 patrons	Residential Hotel Special Use Zone
Restaurant	140 patrons	Food and Drink Premises/ Restaurant
Use and Development piggery restaurant and bakery (existing)	188 patrons	Retail Premises Restaurant/ Shop
Use and Development Providore / teahouse	60 patrons	Retail premises Restaurant/ Shop
Use and Development Microbrewery	120 patrons	Manufacturing sales/ Restaurant
Use and Development Staff accommodation "Calfery" building 2 suites	2 suites	Accommodation / Residential Building
Use and Development Staff Accommodation—New Building	2 suites	Accommodation / Residential Building
Other Planning Scheme Permit Requirements and consideration		
Associated Carparking, Bicycle facilities, Integrated Public transport planning		Clause 52.06, Clause 52.37, Clause 52.36
Licensed premises		Clause 52.27
Vegetation Removal associated with buildings and works as above		Clause 52.17 / Clause 53
Buildings and Works under Heritage Overlay	<i>There is no permit required under the Yarra Ranges Planning Scheme but a permit is required from Heritage Victoria for all buildings and works in HO5.</i>	Clause 43.01 HO5 – Burnham Beeches HO15 – Alfred Nicholas Gardens

New Buildings and works and associated vegetation removal as per the Bushfire Management Overlay		Clause 44.06
Advertising signs		Clause 52.05
Decision guidelines		Clause 65

STRATEGIC LINKS

The Amendment meets the following objectives of the Council Plan (2015 update):

- Vibrant economy, Agriculture and Tourism. A sustainable and prosperous economy that supports local enterprise.
- Quality Community Infrastructure: A built environment where facilities and infrastructure meet current and future need.

CONSULTATION

Should the Minister for Planning authorise Council to prepare and exhibit the amendment, notification will be sent to surrounding land owners and occupiers, and a notice will be placed in local newspapers. All relevant government departments and agencies will be notified. Feedback will be sought over both the proposed planning scheme amendment and planning permit.

Should the submissions raise issues that cannot be resolved, Council will be recommended to submit the proposal to an independent planning panel for review, during which submitters will have a further opportunity to be heard.

FINANCIAL IMPLICATIONS

The financial implications of this amendment on Council are limited to the associated officer time in assessment and administration of the amendment. The owners have agreed in writing to bear the associated costs of running the amendment which include legislated fees, consultation and panel costs.

KEY ISSUES

Key to the strategic merit of this proposal are questions of how the proposed new schedule to the Special Use Zone and planning permit will govern future land use and development of the site, as follows:

Permissible land uses

The new Schedule recommended by Council officers (Attachment 1C), includes significantly more flexibility regarding permissible land uses than the current, rather restrictive SUZ2. The changes proposed respond to the applicants' vision for the land as a hotel/resort incorporating a range of associated and related land uses. The new schedule

endeavours to provide adequate flexibility for changing commercial operations on the site over time, while balancing this with a need to ensure the ongoing primary use of the site for its intended purpose. Care has therefore been taken to ensure that any residential use of the site in a way that is unconnected to the use of a major tourist facility, remains prohibited.

Patron numbers

The proposal deletes patron number restrictions. It is considered reasonable to allow more discretion in decision making in relation to patron numbers than currently exists in the SUZ2 in order to enable the viable use of the site commercially over time. As opposed to previous approaches, this is now proposed to be governed by planning permit processes, where permit conditions will specify allowable numbers. Patron number requirements will need to consider a range of factors including vehicle access, capacity of the land to absorb waste, fire hazard, and parking among other considerations.

Notice and review

As explained above, while the applicants' preferred version of the new SUZ Schedule (Attachment 1B) states that any future planning application for the land would be exempt from the notice and review requirements of the *Planning and Environment Act 1987*, the officers' version (Attachment 1C) removes this exemption.

By way of explanation on this point, it is important to note that there are planning control mechanisms available where an exemption from notice and review would be reasonable. An example of this would be, for instance, where one overarching approval is sought at an initial stage to encompass all use and development intended to occur on a given piece of land in the future. In such a case, it would be appropriate to include an exemption from notice and review in the relevant planning control. The underlying rationale behind this is that the entire use and development potential of the land must have been exhibited and reviewed where necessary, at the initial stage. Therefore, adequate opportunities will have existed through this process to consult with local communities and submit the proposal to the relevant tests, including review by an independent panel if needed. Where an approval is given in such instances, there will typically be no remaining scope for more intensive use and development proposals to follow. Therefore, there is no logical need for notice and review functions. An example of this type of mechanism is the Development Plan Overlay.

However, the current application before Council on Burnham Beeches does not fit this description, and does allow scope for more intensive use and development applications to be made in the future. The intention of the proposed controls, as explained above, is largely to allow more flexibility of decision making for this site over time than currently exists. It is therefore not appropriate to include an exemption from notice and review in this instance.

Environmental Impacts

Wastewater and sewerage generated from future land uses will require the approval of the Environmental Protection Authority regarding treatment methods and required infrastructure.

Any removal of vegetation protected by the Planning Scheme will need to satisfy the requirements of Clauses 53 (Upper Yarra Valley and Dandenong Ranges Region) and 52.17 (Native Vegetation).

While parts of the land are environmentally significant, and parts subject to landslip risk, these areas are not currently proposed to accommodate development. Should this occur in the future, planning permission will be needed for buildings and works.

Social Impacts

Beyond the social benefits flowing from economic improvement, as described below, the amendment will facilitate the redevelopment of the Norris Hotel Building. This will restore and re-establish the viable use a state heritage listed building of architectural and historical value to Victoria.

Economic Impacts

The amendment will provide for more intensive commercial use of the land as a major tourist facility, which will generate employment opportunities in construction, hospitality and tourism. The development of the site will add to and strengthen the attraction of the Dandenong Ranges for tourism purposes.

Risk Assessment

There is no risk associated with the proposal.

CONCLUSION

Burnham Beeches is a site of architectural and historical significance to Victoria. The viable economic use of the site, and particularly the restoration of the Norris Building for these purposes, presents the potential for Burnham Beeches to considerably add to the existing tourist attraction of the Dandenong Ranges.

The current proposal is significantly reduced in scale and intensity from the proposed planning scheme amendment considered by Council at its Meeting of 11 August 2015. The villa units and camping pods that formed part of that proposal have now been removed, which demonstrates a favourable response to concerns expressed by Council and the local community.

The current proposal has a sound strategic basis, however a number of issues will need to be addressed prior to Council requesting the Minister for Planning to authorise the preparation and exhibition of the amendment. When this information has been submitted in a form that is appropriate for public exhibition, it is recommended that Council proceed to request the Minister for Planning to authorise the preparation and exhibition of this Section 96A application for a joint planning scheme amendment and planning permit.

ATTACHMENTS

- 1 Special Use Zone Schedules--Existing and Proposed
- 2 Masterplan
- 3 Planning Controls
- 4 Strategic Assessment

7.3 Grants for Community Initiation Report 2017

RESPONSIBLE OFFICER Director Social & Economic Development

SUMMARY

Grant programs help to achieve Council's strategic objective of "Active and Engaged Communities".

This report outlines the proposed 2017 *Grants for Community* program which will open in June this year. It will also detail:

- Criteria for the 2017 Grants for Community round, assessment panel members, budget overview and allocations to each grant stream, lessons incorporated from the 2016 grant round and the approach to capacity building for grant seekers.

Council endorsement is sought on the grant criteria and panel members.

Council makes an important and targeted investment in the Yarra Ranges community through its grants. The annual *Grants for Community* program offers community groups, artists and heritage groups the opportunity to seek funding. It is estimated that grants leverage four dollars of community investment for every dollar Council contributes. This represents volunteer inputs, other funding and in-kind contributions from other partners.

RECOMMENDATION

That Council endorses the 2017 Grants for Community program as follows

1. *The 2017 Grants for Community program budget of \$340,000 and the distribution across three streams:*
 - (a) *\$120,000 to Festivals and Events*
 - (b) *\$80,000 to Arts and Heritage*
 - (c) *\$140,000 to Community Development.*
2. *The criteria linked to and supporting the strategic goals of Council, with the primary purpose being to promote active and engaged communities in line with the Council Plan.*
3. *The proposed panel members.*

PROPOSAL

The report seeks Council feedback on the criteria and panel membership for the 2017 *Grants for Community* program. The draft 2016-17 budget allocation for the next round of these grants is \$340,000 across the following three categories:

- \$140,000 to Community Development
- \$80,000 to Arts and Heritage
- \$120,000 to Festivals and Events.

BACKGROUND

Council's *Grants for Community* program provides funding to community organisations to deliver locally identified and owned initiatives. Through grants, Council supports community projects and foster wellbeing, social connection and cultural and heritage development in Yarra Ranges. The grants are also a mechanism for communities to respond to local issues in creative and innovative ways to build resilience and independence.

The *Grants for Community* program comprises of the following three streams:

- Arts and Heritage – provides opportunities for the community to express themselves, tell stories, connect with one another and contribute to a sense of creativity, identify and wellbeing.
- Festival and Events – supports community groups to deliver activities that enhance local culture, celebrate community spirit and contribute to the liveability of Yarra Ranges.
- Community Development – focused on people and building community around the principles of respect, equality and locally led, grass roots responses to needs.

In addition to funding projects, festivals and events, the grant program seeks to build the capacity of community groups. Capacity building opportunities are offered through formal and informal development opportunities, including through training.

A community training program runs in parallel with the grants process. This program has been informed by feedback from past grant recipients, and a recent survey of community organisations and services. For example, training and support materials that focus on establishing and maintaining strong auspicing arrangements will be rolled out this year.

STRATEGIC LINKS

Council's strategic objective to create "Active and Engaged Communities" is supported through the *Grants for Community* and is reflected through the program's overarching purpose.

The Health and Wellbeing Strategy also provides strategic direction for the grant program through the goal:

“Yarra Ranges is a socially and culturally inclusive community where people are valued in all their diversity”.

In addition to the Health and Wellbeing Strategy, the criteria for *Grants for Community* directly support achieving the outcomes of a number of Council strategies and policies, including:

- Cultural Policy and Action Plan, Reconciliation Policy, Equity, Access and Inclusion Strategy, Child and Youth Strategy, Economic Development Strategy, Environment Strategy.

CONSULTATION

Internal consultations and a review of last year’s grant round inform this report. Throughout each grant round there is engagement with officers from across Council, gaining experiential feedback on what works well, challenges and strategies for how we can improve the program moving forward. This year the *Grants for Community* will focus on enhancing communications and support for grant seekers to access the program.

A desktop review of other Council approaches provided useful information and indicated that Council’s processes are in line with sector leaders in local government. Further, the new role of Community Partnerships Officer enables engagement with grant seekers and recipients, bringing their insights into the grant making process.

Information sessions and grant readiness workshops will be held leading up to the 2017 *Grants for Community* round. This approach seeks to build skills and expertise in designing projects or activities, managing community organisations and accounting for grant funding.

FINANCIAL IMPLICATIONS

The 2017 *Grants for Community* program includes a total budget of \$340,000. The allocation across the three streams is as follows:

- \$140,000 to Community Development
- \$80,000 to Arts and Heritage
- \$120,000 to Festivals and Events.

Recommended applications will be presented to Council following the assessment process.

KEY ISSUES

The key issues addressed in this report relate to the 2017 *Grants for Community* strategic criteria, budget and assessment process. The potential for grants to impact a number of key strategic areas of Council is outlined below.

Environmental Impacts

The program includes criteria for projects that protect the environment and engage people with the natural environment and sustainable living.

Social Impacts

The majority of grant projects have social impacts including, but not limited to, building social inclusion, enhancing community connections and strengthening local communities. Building a culture of evaluation into the grant processes to better measure the social impacts and analyse the benefits and outcomes of Council grant programs, has commenced.

Economic Impacts

Grant funded projects can have positive impacts on local economies. For example, some large events and festivals generate significant income and raise the profile of local areas. An internal analysis of the impact of festival and events funding showed that in 2016, \$112,000 was awarded to festivals through *Grants for Community* enabling the delivery of events worth an estimated \$485,000. Attendance across festivals is estimated at 80,000, comprising both locals and visitors.

Risk Assessment

Risk will be managed through ensuring consideration of fair and proper processes and record keeping, transparent decision making and adherence to the Local Government Act.

A key factor for decision making is Council's approach to assessment. The use of two panels that are independent and make recommendations to Council is well regarded in the sector. Each Assessment Panel will comprise:

- three community panel members; and
- two Council officers.

Councillors will have the opportunity to view applications and offer material knowledge about the organisations or projects, for example organisational capacity, viability or other material factors.

The Panel Process

Three community panel members are invited for each panel (Arts, Heritage and Festivals and Community Development) based on relevant skills and knowledge of the community and grant making. Diversity of representation on both panels is also considered. Council officers include one who is independent from the grants delivery. All panel members are required to sign a conflict of interest form and exclude themselves where there is a perceived or actual conflict of interest.

Panel members assess applications independently and then attend a panel meeting to develop recommendations for Council. Each panel meets for a day to assess applications with officer support available. This will result in a final list of projects recommended for Council endorsement.

This year the program will also engage the Youth Reference Group in providing feedback on youth focused grant applications. This new approach will support the inclusion of young voices in the review and recommendation process, a preliminary step towards getting a young person to sit on the *Grants for Community Assessment Panel*.

The below panel members have been identified based availability, geographic representativeness, skills and expertise.

Community Development Panel

Panel Member	Skills and Experience	Geographic Area
Kirsty Savage	Business Manager HICSA, previous panel member	Valley
Andrew Fullager	Community leader Township Groups, previous panel member	Hills
Mike O'Meara	Kilsyth Community Planning Group, new panel member	Urban
Youth Development Coordinator	Community development, knowledge of local needs, grant assessment experience.	All
Executive Officer Built and Active Spaces	Experience in delivering grant programs and brings a complementary discipline to the process of assessment.	All

Arts, Heritage and Festivals

Panel Member	Skills and Experience	Geographic Area
Alison Fitzgerald	Executive Officer, Warburton Business Centre	Valley
Paulette Bisley	Yarra Ranges Regional Museum Trust Member, Previous Panel Member	Urban
Gareth Hart	Performing Artist Cultural Leader and Previous Panel Member	Hills
Coordinator Cultural Development	Community cultural development, knowledge of local needs, grant experience.	All
Environmental Education Officer - Sustainability & Community	Understanding of the grants and context for cultural development and festivals.	All

CONCLUSION

The 2017 *Grants for Community* program enables Council to fund projects and activities that support social inclusion, cultural development, community capacity building, health and wellbeing and diverse community activities. The grants aim to address strategic issues for Yarra Ranges through harnessing the ingenuity, creativity and commitment of communities.

Governance processes for the program are designed to ensure transparency and provide confidence in these processes. Parallel capacity building and training will support grant seekers, enhancing their ability to implement successful projects.

ATTACHMENTS

- 1 Grants Criteria - Community Development
- 2 Grants Criteria - Festival & Events
- 3 Grants Criteria - Arts & Heritage Develeopment

7.4 Planning Application YR-2015/1046-15-17 McGrettons Road, Healesville-Subdivision of Land

APPLICATION DETAILS

Site Address	15-17 McGrettons Road, Healesville
Application No.	YR-2015/1046
Proposal	Subdivision of Land
Existing Use	Dwelling
Owner	J E and B R Phillips
Applicant	Thomas & George Pty Ltd
Zone	NRZ2 - Neighbourhood Residential Zone - Schedule 2
Overlays	DDO6 - Design and Development Overlay - Schedule 6, SLO22 - Significant Landscape
Objections	6
Reason for Council Decision	More than 5 objections
Ward	Ryrie

SUMMARY

- The proposal is for the subdivision of Land into eight (8) lots.
- The site is zoned Neighbourhood Residential Zone - Schedule 2 (Rural Foothills Incremental Change Areas) and is included within Design and Development Overlay - Schedule 6 and Significant Landscape Overlay - Schedule 22. A permit is required to subdivide the land under the provisions of the Neighbourhood Residential Zone and the Design and Development overlay No. 6.
- The total site area is approximately 4575m². The lots range in size from 517m² to 648m². The overall density will be 1:571 m².
- The application was advertised by way of display of a sign on site and notices sent to the owners and occupiers of adjoining properties. Six objections have been received and therefore, the application must be determined by Council.
- The key concerns raised in the objections include reduced open space, density, lot size, parking issues, building scale, neighbourhood character and future easement location.
- Following the consultation meeting, the applicant has amended the plans to include building exclusion zones along the boundaries of various lots in response to officer feedback.

- Whilst it is considered that there is strategic justification for the proposed subdivision and increased residential density close to Healesville Township, the proposed lot dimensions do not appropriately respond to the decision guidelines of the Design and Development Overlay No. 6 which reference the provisions of the Significant Landscape Overlay No.22 in that the narrow lots widths will result in a lack of spaciousness between future dwellings and will lead to a development outcome which will be visually impactful on the streetscape.
- It is recommended that the proposal be supported subject to a condition to reduce the total number of lots to no more than seven lots with the widths of lots 3, 4 and 5 facing Smith Street to be between 18 metres to 20 metres each and the widths of the remaining lots to remain as shown on the submitted plans.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2015/1046 Subdivision of Land at 15-17 McGrettons Road, Healesville and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

SITE LOCATION AND DESCRIPTION

The subject site is located on the northeast corner of McGrettons Road and Smith Street, Healesville. The site is rectangular in shape with a frontage to McGrettons Road of 40.31 metres, a depth of 115.07 metres and a total site area of 4575 m².

Topographically, the land gently falls towards McGrettons Road.

The site is currently occupied by a single storey weatherboard dwelling at the southern end of the property, which is set back 9 metres from Smith Street and contains 3 bedrooms and associated living areas. There is a crossover that provides access to uncovered car parking located to the south of the dwelling. There is also an outbuilding located to the south of the dwelling that is setback 9 metres from Smith Street and abuts the south boundary. The dwelling is screened from Smith Street by a thick group of small exotic trees and shrubs along the front boundary of the property. The only other trees on the site are a group of fruit trees that are located to the north of the dwelling.

There is a 1.4 metre high horizontal fence along the Smith Street frontage for the dwelling. A post and wire fence is located along the remainder of the Smith Street and McGrettons Road frontages, with the east boundary containing a timber paling fence.

The applicant has declared that the site is not affected by a restrictive covenant.

SURROUNDING AREA

The subject site adjoins residential properties, which are described as follows:

- South – Land to the south is occupied by a single storey weatherboard dwelling at No. 40 Smith Street. The dwelling is setback 11 metres from Smith Street and 5

metres from the common boundary with the subject site. The secluded open space for this dwelling is located to its rear.

- North – Land on the north side of McGrettons Road is occupied by single storey detached weatherboard dwellings that are setback approximately 7 metres from the frontage.
- East – Land to the east is occupied by a nine single storey units at 13 McGrettons Road. The site layout includes two dwellings with frontage to McGrettons Road and a central driveway that provides access to the remaining dwellings towards the rear of the site. Two garages are located on the boundary and the dwellings are setback 2 metres from the common boundary. There are at least 7 habitable room windows of the dwellings facing the subject site.
- West – Land on the west side of Smith Street contains single storey detached brick veneer dwellings on larger lots with open frontages. These dwellings contain scattered trees.
- Further north, there are number of larger lots which are zoned residential and industrial zones along Hunter Road.

The surrounding area is zoned for residential purposes and is host to a variety of allotment sizes and configurations. Many of the larger original allotments have been redeveloped over the past 20 years for medium density housing. In some cases these sites have been consolidated to form a double block that supports unit development accessed via a central driveway. Given these sites are generally redeveloped at a density of 1:500m² and new dwellings are both detached and single storey often with the original dwelling retained at the front, Smith Street and McGrettons Road maintain a sense of spaciousness and rural ambience.

However, the existence of several undeveloped large and semi vegetated lots on the western side of Smith Street, together with the lack of curb and channel, contribute to a strong country town atmosphere. There is no dominant architectural style within the immediate context although some of the original timber period cottages remain amongst newer brick units.

Whilst the site has access to shopping and community facilities within the Healesville Town Centre, these are generally not within walking distance of the site. Shops along Maroondah Highway are located within 1 kilometre of the site, with supermarkets even more distant at 1.5 kilometres from the site. With respect to public reserves, the site is located approximately 500 metres south of the closest park. The site is located within 1.7km metres of Healesville Primary School Bus Route 684 along Maroondah Highway provides access between Eildon and Melbourne via Healesville and Route 685 runs between Healesville and Lilydale.

HISTORY

Application Number and Decision Date	No History is applicable
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PROPOSAL

The proposal consists of an eight (8) lot subdivision. Lots 1 & 2 have frontage to McGrettons Road and Lots 3-8 have frontage to Smith Street. The overall density will be 1:571m². The lot sizes and dimensions are described below:

Lot	Area (m ²)	Frontage width (m)	Depth (m)	Street Frontage
1	525	20.54	26.27	McGrettons Road
2	531	19.77	27.57	McGrettons Road
3	590	14.66	40.22	Smith Street
4	588	14.63	40.22	Smith Street
5	588	14.63	40.22	Smith Street
6	588	14.63	40.22	Smith Street
7	648	16.10	40.22	Smith Street (existing dwelling)
8	517	12.85	40.22	Smith Street

The Desert Ash tree within the boundaries of Lot 1 and Lot 2 is proposed to be retained and the crossover near Lot 8 is proposed to be removed.

The existing dwelling is proposed to be retained within the new lot 7 with no associated car parking space and the existing shed is proposed to be removed in the existing Lot 8.

The plans indicate the construction of new crossover onto McGrettons Road for Lot 1 and a dual crossover for Lots 2 & 3, Lots 4 & 5 and Lots 7 & 8. Lot 6 will include a separate single crossover onto Smith Street.

Building exclusion zones have been included as follows:

- 7m wide front setback building exclusion zones for each lot
- 2m side setback for Lot 2 facing Smith Street

- 1m setback either side of the common boundary for Lot 3 and 4
- 1m setback along the southern boundary of Lot 5 and Lot 6

In addition a five year sunset clause is proposed by the applicant which states that the building exclusion zones expire 5 years after the registration of the plan of subdivision,

There is no significant vegetation to be removed to accommodate the subdivision. The subdivision will require the removal of 13 exotic trees to accommodate any future development of the lots. Planning approval is not required to remove these trees as the size is less than the SLO22 threshold or are located adjacent a fence line. There is also a "Paperbark" growing in the rear yard of the existing dwelling that is to be retained as part of this application.

PLANNING CONTROLS

Zoning:	Clause 32.09-Neighbourhood Residential Zone (Schedule 2)
Overlay:	Clause 43.02-Design & Development Overlay (Schedule 6) Clause 42.03 Significant Landscape Overlay (Schedule 22)
State Planning Policy:	Clause 11.02-1 Supply of Urban Land Clause 11.02-2 Housing Choice & Affordability Clause 11.04-4 Liveable Communities & Neighbourhoods Clause 15.01-1 Urban Design Clause 15.01-3 Subdivision Clause 16.01-2 Location of Residential Development
Local Planning Policy:	Land Use – Clause 21.04 Subdivision – Clause 21.08
Schedule to Clause 53:	Not applicable
Other Requirements:	Clause 52.01 – Public open space contribution and subdivision Clause 56 -Res Code Clause 65- Decision Guidelines

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

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

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

EXTRACTIVE INDUSTRY

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

PUBLIC OPEN SPACE ASSESSMENT:

1. Is the type of subdivision exempt from a Public Open Space contribution under Section 18 of the Subdivision Act 1988? No
2. Has land or cash-in-lieu contribution been required/ provided previously for this land or "parent" property? No

Based on Section 18 of the Subdivision Act 1988, as the proposed subdivision is for more than two lots it is subject to an Open Space contribution assessment under Section 18(1)(a) of the Subdivisions Act 1988. As such Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to:

	Criteria	Officer Comment
a	The existing and proposed use or development of the land.	The subdivision will create 8 lots that will create demand for additional recreation facilities.
b	Any likelihood that existing open space will be more intensively used after than before the subdivision.	The proposal will result in additional residential development.
c	Any existing or likely population density in the area of the subdivision and the effect of the subdivision on this.	This subdivision will create a need for more active and recreation areas in this vicinity.
d	Whether there are existing places of public resort or recreation in the neighbourhood of the subdivision and the adequacy of these.	Passive and active recreation facilities are located at Warburton Rail trail network and Healesville Showgrounds and Sporting Complex.
e	How much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners.	Whilst the lots are large enough to incorporate backyard space for passive recreation and play, there will be additional use of major facilities for formal recreation, such as team sports, as well as bike/walking trails.
f	Any policies of council concerning the provision of places of public resort and recreation.	Council policies seek financial contributions except where the provision of land can contribute towards open space linkages and pathways/recreational trails.

In conclusion, as the subdivision is for residential purposes and clearly increases the density and population demand on local recreational facilities, a contribution of 5% is applicable in this instance. The provision of land is not required as there are no suitable existing open space areas that warrant linkages or extension of pathways / recreation trails. The contribution shall therefore be required as cash-in-lieu.

STAKEHOLDER VIEWS

External Referrals

Authority	Consent/Objection – Summary of Conditions
Yarra Valley Water	Consent subject to conditions relating to the provision of water and sewerage.
Melbourne Water	Consents subject to conditions relating to runoff and certification.
SPI Ausnet	Consent subject to conditions requiring an agreement to be entered into between the applicant and AusNet Electricity.
Multinet	No objection, no conditions.

Internal Referrals

Department	Summary of Response
Development Engineer	Consent subject to conditions requiring a 3m x 3m splay along the corner of Smith Street and McGrettons Road in accordance with standard C20 of Cl. 52.06-6 and a 3 m wide easement along the rear of the lots for the construction of piped drainage. Note: the 3m X 3m wide splay is required for sightline purposes in the event the future fences or vegetation obstructs views along the corner.

Objections and Consultation

Mail Sign

Number of Objections: 6

The objectors have raised the following concerns:

- Inconsistency with Neighbourhood character with regards to lot size, open space, density, and built form response.
- Double storey built form not preferred.
- Parking issues in Smith Street.
- Reduce privacy and light .
- Easement location and impact on neighbouring properties.
- Footpath treatment.

Consultation

A consultation meeting was held on 3 March 2016 in Healesville with the applicant, the Ward Councillor and a Council officer present. Three objectors attended the meeting. Discussions were held around the potential for the sites to be developed with double

storey dwellings which would not be appropriate within the low density residential area and the potential for the lots to contain intensive development similar to the eastern portion of Smith Street which is not considered to be a desirable built form. Surrounding lot owners also conveyed concerns around the potential for a dwelling to be constructed close to the boundary adjacent to No. 13 A McGrettons Road and the reduction in light to the adjoining windows.

Discussions were also held around the need for well constructed footpaths connecting to Maroondah Highway. It was agreed that this matter would be raised with Councils Asset Maintenance department for further investigation.

ASSESSMENT/ KEY ISSUES

Strategic Justification and Policy support

It is considered that there is strategic justification supporting the proposal as the site is a large vacant lot in an incremental change area, and as such there is a strong zone and policy basis for the creation of the proposed lots. Whilst the site is not located in close proximity to the township and its services, the site is located ideally to provide additional residential lots.

The proposal has been assessed against the applicable State and local planning policy provisions, Zone and Overlay requirements and the provisions of Clause 56- Subdivision, and is found to be supportable subject to amendments. The site is recognised as being able to achieve an increase in residential density, as is called for under the planning scheme.

It is acknowledged that both McGrettons Road and Smith Street have experienced substantial redevelopment for medium density housing over the past 20 years and that this has changed the character of the streets in terms of density. This development generally occurred in the absence of suitable planning policy to guide the proper location and design of housing growth.

Furthermore, Clause 21.08 of the Scheme has an objective to provide a range of lot sizes in appropriate locations to meet the needs of a diverse range of household types. Strategies to achieve this are to ensure design of new subdivisions should recognise and respond to existing physical, environmental and visual characteristics of the site and surrounding area.

In addition, Clause 65 of the Scheme emphasises that future use and development of the land must be the primary consideration in applications for subdivision and to consider a subdivision proposal without regard to what it enables and what effect it would have on the achievement of planning policies and purposes is inappropriate.

The Neighbourhood Residential Zone and Design and Development Overlay 6 were applied to this part of Healesville reflecting a desire to constrain the further development of this area for higher density housing. This was to be achieved by limiting development to two dwellings per lot (NRZ) and requiring a minimum lot size of 500m² (DDO6). There has been a significant shift in planning policy for this part of Healesville in recent years and in reviewing the policy direction stipulated in the Zones and Overlays, it is evident that a key objective of the planning policy framework is to direct housing growth to locations in close

proximity to activity centres and to minimise reliance on car travel and provide more liveable and affordable neighbourhoods. However, concurrently the aim of these policies through the implementation of the DDO6 and SLO22 is also to establish a preferred neighbourhood character where lots are able to accommodate appropriate built forms with spacious setbacks to allow for sufficient landscaping which reduces the dominance of buildings in the landscape.

The Design and Development Overlay 6 (DDO6) sets out the preferred neighbourhood character for the rural townships. The provisions of the DDO6 focus on limiting site coverage and impervious surfaces to ensure sufficient landscaping is provided that is consistent with the defined character of rural towns. Significant Landscape Overlay 22 (SLO22) defines the character of Healesville. As relevant to this assessment, this description states that Healesville is characterised by well treed private gardens that integrate well with the surrounding mountains and farmland creating a sense of spaciousness and rural ambience with site coverage and hard surfaces minimised to provide room for vegetation and sense of openness.

Therefore, in light of the above provisions, the proposed subdivision is considered to be justified within this location however the impact of any future development is a matter which must be considered as part of the decision making process with regards to the provisions of the DDO 6 and SLO 22. This is discussed further below.

Subdivision Layout and compliance with Overlay provisions

Overall, an increase in residential density is supported within this portion of Smith Street. The site has a number of positive attributes in terms of its suitability for redevelopment, particularly its overall size, location within an established residential area. However, whilst the surrounding area contains some unit development that has created smaller lot sizes, the remaining sites are large lots with dwellings in spacious gardens.

The proposal seeks to create unusually narrow lots for conventional vacant lots with lot widths being 12-14 metres generally for the lots facing Smith Street. It is considered the narrow lot sizes proposed will limit the layout of dwellings on each lot and this will not be reflective of the lot widths in the surrounding area. Given the narrow width there is concern that any future dwellings will crowd the lots and present to Smith Street as nearly a continuous built form. The lot layout forces this outcome and therefore the subdivision fails to retain the environmental and landscape values of the rural township.

In light of the policy directions, it is considered that the proposal does not appropriately respond to the decision guidelines of the Design and Development Overlay No. 6, which directly refers to the policy guidance under the Significant Landscape Overlay No 22 with regards to providing adequate areas for landscaping. The proposed widths of the lots also do not provide a transition to the larger neighbouring lots to the west which range between 700m² to 1200m². While these neighbouring lots are within a Neighbourhood Residential Zone, the lot dimensions of these lots means that buildings are typically situated in generous surrounds with canopy vegetation apparent along the lot boundaries. In comparison, the resultant lot sizes for lots 3-8 exhibit narrow widths which provide limited ability to incorporate any meaningful planting adjacent within the side setback area of the dwellings and lead to development which will be visually apparent within the streetscape.

This is demonstrated firstly by the fact that lots 2, 3, 4, 5, 7 and 8 are proposed to include a double crossover which provides access to each lot. This layout will further necessitate

the construction of dwellings with abutting garages on the lots that will result in a dominance of the garages and driveways in the frontage. Given that the width of the proposed lots are approximately up to 14m each, with the exception of Lot 7 being 17.6m due to the retention of the existing dwelling, it is considered that the resultant streetscape impact of six(6) garages, particularly if they are to be double garages typically with a width of about 6m, would be a poor design response and would also result in extensive hard paving in the frontage.

Whilst it is noted that the proposed building envelopes for Lots 3-6 propose a 7m front setback with a 1 m side setback, it is considered that this space will not allow for any effective landscaping and does little to reduce the visual impacts of the buildings.

Secondly, while a development envelope of 10m x 15m can be accommodated on each lot as suggested under Clause 56.04-2, these generally would span the full width of the five lots(3-6 and 8) with minimal setbacks to the common boundaries and buildings may well extend boundary to boundary. This would be at odds with the provisions of the DDO6 and SLO 22 with regards to spaciousness between buildings. It is also noted that while accommodation of 10x15m envelope is a minimum requirement of Clause 56 this envelope is not at all representative of the scale and size of houses being built on lots this size. The dwellings constructed on these lots will be much larger.

It is noted that under the provisions of the DDO6 and the SLO22, no further planning approval would be required to construct a dwelling on a lot if the dwelling does not exceed 30% site coverage and 50% impermeable surface. While Council may in theory exert control at development stage for the dwellings this in itself is difficult as often applicants do not seek Council advice prior to determining their dwelling size and layout prior to lodging and are often locked into restrictive building contracts that prevent alteration to the design.

The proposal could facilitate multiple development outcomes that may lead to development outcome that comprise a variety of different dwellings on these narrow lots which could lead to unacceptable built form outcomes in a neighbourhood that comprises modest dwellings with consistent setbacks to the front and side boundaries.

In addition, the subdivision does not provide any height restrictions as part of the proposal and given the narrow nature of the lots, there is an increased likelihood that dwellings constructed on the lots will be two storey which will further emphasise the visual dominance of buildings given the lack of area available for landscaping in between lots.

Consequently the width of the lots limits the opportunity to create a sense of space and the most that could be achieved would be low-level shrubs and groundcovers which would have no effect in ameliorating any future building bulk. The resultant built form would result in a highly exposed interface to Smith Street which would lead to future buildings being visually exposed in the streetscape.

There is nonetheless policy support for a subdivision of this land that gives effect to housing diversity and affordability objectives. To this end, a subdivision into 7 lots with wider widths would prove to be acceptable as the larger could easily absorb the built form and visual impacts which could occur when a variety of building forms is introduced into the streetscape and would be more in keeping with the character of the lots to the west.

It is therefore recommended that the width of the lots be increased to accommodate these areas for landscaping and the subdivision be reduced to seven lots with frontages of

between 18m to 20 m for lots 3, 4 and 5 which will be facing Smith Street. It is noted that due to the retention of the existing dwelling, there is limited scope to increase the lot size without compromising on the lot size of the proposed Lot 8. Given that these structures and their streetscape presence has been established, it is recommended that no further amendments to lot 7 and 8 as shown on the submitted plan be made.

It is noted that as a result of the creation of Lot 7 and 8 and the removal of the existing shed on Lot 8, the existing dwelling on Lot 7 no longer contains a dedicated car parking space. Therefore as a condition of approval car parking spaces for at least 2 cars in accordance with the provisions of Cl. 52.06 of the Yarra Ranges Planning Scheme must be shown and constructed prior to statement of compliance for the existing dwelling to ensure that the level of amenity enjoyed by the current dwelling is maintained and in street car parking opportunities are limited..

It is considered that if these changes are implemented, the proposed subdivisional layout will appropriately allow for the creation of lots that can reasonably accommodate a dwelling that is consistent with the objectives of the SLO22 and DDO6.

Response to Grounds of Objection

The objections related to the lot sizes has been addressed above. With regards to the issues raised the following assessment is made.

Double storey built form

There is no restriction on the current title with regards to double storey built form. Whilst is acknowledged that a double storey built form may be visually apparent on the sites due to the lot widths, an assessment of any amenity impacts can only be considered at the time of a planning permit application based on the merits of the application. There is concern from officers however that the smaller lot width and the restrictions proposed by the applicant will likely force 2 storey form.

Parking

The lots do not indicate the provision of on-site car parking however any dwelling will have to provide 1-2 spaces per dwelling depending on bedroom numbers and this will be a mandatory requirement as part of any building or planning permit application.

Drainage Easement and impact on adjoining property

Whilst this is not strictly a planning matter, it is contingent on the developer to ensure that damage is not caused to the adjoining properties as a result of any works being undertaken on the site.

Footpath treatment

An objection has been received with regards to the state of the footpath along Maroondah Highway and the lack of appropriate connections to the Town centre. This matter has been raised separately with Councils Asset development team. These deficiencies cannot be remedied through a singular subdivision application.

CONCLUSION

The proposed subdivision has been assessed against the State and Local Planning Policy Framework, the purpose of the Neighbourhood Residential Zone, the Design and Development Overlay, and other relevant planning scheme provisions, specifically Clause 56 of the Yarra Ranges Planning Scheme. The proposal generally satisfies the objectives and standards of Clause 56 and the Scheme, however is considered at odds with the purpose and decision guidelines of the and the Design and Development Overlay (Schedule 6) and the intent of the Significant Landscape Overlay (Schedule 22).

Whilst the subdivision is appropriately located and the lot densities are generally consistent with the existing neighbourhood character, the subdivision would create allotments which would lead to visually dominant built forms within the streetscape with limited areas for meaningful landscaping.

Accordingly, approval of the application is recommended subject conditions to reduce the number of lots to seven lots with minimum frontages for lots 3 to 5 facing Smith Street increased to be between 18m to 20m wide.

ATTACHMENTS

- 1 Conditions
- 2 Planning Scheme Provisions
- 3 Advertising/Objector Plan
- 4 Aerial Plan
- 5 Existing Conditions Plan
- 6 Proposed Subdivision Plan

7.5 Planning Application YR2015/948 - 1755 Don Road, Don Valley- Use of Land for Intensive Animal Husbandry

APPLICATION DETAILS

Site Address	1755 Don Road, Don Valley
Application No.	YR-2015/948
Proposal	Use of Land for Intensive Animal Husbandry (free range meat rearing chicken farm)
Existing Use	One dwelling and paddocks
Owner	Mr A C Fox and Mrs K E Fox
Applicant	Mr C Brock
Zone	GWZ4 - Green Wedge Zone - Schedule 4
Overlays	SLO 3(Significant Landscape Overlay No. 3)
Objections	16
Reason for Council Decision	More than 5 Objections
Ward	O'Shannassy

SUMMARY

- The proposal is to use the land for Intensive Animal Husbandry for the purpose of a free range meat rearing chicken farm. There is no development proposed as part of proposal.
- In accordance with the Green Wedge Zone, a planning permit is required to use the land for intensive animal husbandry as the amount of external feed being imported to the site is more than 50% of the nutritional requirements for the chickens. A permit is not required for the use pursuant to the Significant Landscape Overlay (SLO3).
- The farm will be a small scale chicken farm and would accommodate a maximum of 400 birds at any one time with a maximum of 2000 birds annually.
- The application was advertised and 16 objections have been received, The grounds of objection relate to odours, site management, noise , vermin, contaminated run off into the Don River and general amenity concerns
- The key issues of the application relate to the on going management of the site with regards to ensuring the amenity of the surrounding neighbourhood is not diminished as a result of this rural operation.
- The proposal is considered satisfactory when assessed against the Scheme provisions and is consistent with the provisions of the Zone in that the proposal is a

low scale use which continues to encourage rural productivity within the Green Wedge Zone.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2015/948 for use of Land for Intensive Animal Husbandry (Free Range Chicken Farm) at 1755 Don Road, Don Valley and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

SITE LOCATION AND DESCRIPTION

The property at 1755 Don Road, Don Valley is located within an area of rural uses and grazing surrounded by forested areas associated with the Yarra Ranges National Park.

The property is approximately 8 hectares in area, and consists of eight fenced paddocks, which have been cleared for grazing pasture. There is a small dam located on the site near the southern boundary and the land is generally void of vegetation. The site is developed with a single dwelling and a number of small sheds for domestic and farm use, predominantly located in the south western paddock adjacent to the Don Road frontage. There is an existing shed located to the east of the dwelling. The land is primarily used for grazing.

The site abuts Don Road to the west which is a Road Zone Category 1.

There are no covenants which affect the subject land.

SURROUNDING AREA

Land sizes in the surrounding area vary with properties being zoned Green Wedge Zone. The surrounding properties are used for rural living purposes and generally comprise of a single dwelling with some grazing areas. The nearest dwelling is located approximately 30 metres north of the subject site, while the dwelling to the south is approximately 100 metres from the property boundary.

The surrounding properties are described as follows:

- **North**-Land to the north at 10 Ferngully Road is approximately 15ha in size and contains two dwellings. The land is generally clear and contains scattered vegetation.
- **South**-There are three lots that are directly abutting the subject site of which two lots, No 1765 and No 1795 Don Road, are vacant whilst No. 1785 Don Road contains one dwelling.
- **East**- No 1795 Don Road continues to abut the property to the east.

- **West-** To the west is Don Road which abuts the Don River and a large rural landholding which has a frontage of approximately 950m to Don Road at No 1770 Don Road.

HISTORY

Application Number and Decision Date	YR-2014/344 Buildings and Works to construct an outbuilding – approved 25 June 2014.
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PROPOSAL

The proposal seeks to utilise the land for intensive animal husbandry, specifically for a free range meat rearing chicken farm. The use will only be for free range chicken farming, and not as a broiler farm with large sheds and associated infrastructure. There is no development associated with the use. The proposal is described as follows:

- The proposal is to have up to 400 chickens on site at any one time and up to 2000 chickens per year.
- The proposal is to be operated by an independent consultant who is not the owner of the site.
- Delivery of chicks will occur once every three weeks and once the chicks are fully mature, they will be delivered off site every 8 weeks. There will be an overlap of chicks and mature chickens on the site during these timeframes.
- Chicks will be brought to the site at 1 day old in a farm utility truck, and will be kept within a chicken brooding shed (existing shed) for two weeks.
- Chickens will be in broods of 100 and will be moved every 5-6 days.
- Chickens are then relocated to open pasture with mobile shelters protected by non permanent electric fencing around the paddocks. Most of the site area can be utilised for this purpose, with a 10m boundary buffer provided. Chickens forage free range within the netted area, and can retreat to the shelters of their own free will. At night time the chickens will be confined to the shelters for protection purposes.
- Chickens will be housed in shelters similar to chicken keeping boxes. Shelters are made of light materials that allow easy movement by one person, assisted by wheels on one end of the shelter. The dimensions of the shelters are 2.4m x 3m with a height of 60cm. The shelters may be roofed with Perspex or corrugated iron for 3/4 of the roof area and wire or shade cloth for 1/4 of the roof area. Shade cloth may be draped over the whole structure during hot weather. Half of the walls are enclosed by corrugated iron and the other sides with chicken wire. The shelters are floorless and birds are in contact with the ground. All shelters can contain up to 50 chickens.
- Animals will be fed daily a commercial cracked grain mix to supplement their natural foraging on the existing pasture species.

- Chickens will be moved around the pasture and no area of pasture will be grazed more than once in a year. The shelters are moved daily to new pasture. In practice the shelter will be placed on the uphill side of a paddock and gradually moved down slope over the course of 6 weeks. At the end of 6 weeks (when birds will be taken to an off farm processor) the shelters are again transported to the uphill side of the paddock to a new area of pasture. No part of the property will have birds more than once annually.
- Externally sourced and delivered feed will be provided to supplement pasture foraging and would be stored on site. Food would also be stored in three 44-gallon drums located within each paddock to enable ease of food dispensing without the need for vehicles to traverse the site on a daily basis. Feed would be transported to the site in a utility or small truck on a fortnightly basis.
- The only non-organic waste generated within the range area is empty feed bags, of which approximately 6 bags (of 20kg feed capacity) will be placed in the domestic waste disposal each weekly collection.
- The only organic waste generated by the operation is chicken manure which is left in situ to fertilise the pasture. In addition, dry saw dust and wood shavings soak up manure in the brooder area and will be cleaned out and composted at three monthly intervals with the compost being used on farm. This would amount to less than 1 cubic metre of compost every three months.
- No vegetation removal is required to accommodate the use.
- An amenity management plan has been provided which states as follows:
 - No powered ventilation systems will be provided in the shed.
 - No signage necessary and no site visitation by customers or other traffic.
 - Negligible off-site waste management necessary.
 - Bird welfare and equipment relating to watering and fencing checked daily (twice daily during hot periods).
 - A break in operations during winter months to avoid cold/wet stress for the chickens.
 - Daily inspections would detect any unwell birds which will then be isolated from all other birds for monitoring purposes.
 - No cleaning requirements as floorless shelters ensure manure incorporated straight into pasture.
 - Mobile pens and electric netting fences to protect chickens from predators.
 - Feed stored in fully sealed metal bins to deter vermin and create negligible visual impact.
 - All access to the range area restricted to foot traffic or farm utility.

- Direct neighbours will be provided with contact details of the property owner and applicant.
- Any complaints will be addressed within 24 hours by the applicant.
- If complaints are not satisfactorily addressed the complainant can contact the Shire's Environmental and Planning Compliance Unit.

PLANNING CONTROLS

Zoning:	Clause 35.04 - Green Wedge Zone - Schedule 4 (GWAZ4)
Overlay:	Clause 42.03- Significant Landscape Overlay – Schedule 4 (SLO4)
State Planning Policy:	Clause 11.04-5 Environment and Water Clause 11.04-7 Green Wedges Clause 11.05-3 Rural Productivity Clause 14.01-1 Protection of Agricultural land
Local Planning Policy:	Clause 21.04 Land Use Clause 21.07 Landscape Clause 21.09 Environment
Schedule to Clause 53:	Applicable
Other Requirements:	Clause 52.06- Car parking Clause 65 Decision Guidelines

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

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

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

EXTRACTIVE INDUSTRY

The site is not located within 500 metres of an established Extractive Industry.

STAKEHOLDER VIEWS

External Referrals

Authority	Consent/Objection – Summary of Conditions
Melbourne Water(S52)	The application was referred to Melbourne Water pursuant to section 52(1)(d) of the Act as the proposal would be proximate to the Don River which is approximately 70 metres to the west. Melbourne Water did not object subject to some conditions being included and any permit issued.

Internal Referrals

Department	Summary of Response
Health	Effluent area to be shown and waste management details required.
Economic Development	<p>Pastured poultry is growing in popularity among supporters of sustainable, free-range farming methods. Poultry produced using this system offers higher returns than traditional broiler farms, better land care practices and fewer infrastructure start-up costs.</p> <p>The level of animal husbandry and care requirements to establish the pasture feed chicken enterprise is labour intensive. Supporting this application is the presence of facilities to support full-time farm management.</p> <p>Council's Economic Development Unit is actively promoting local and artisan/craft food supply chains, farmgate sales and U-Pick activities. Increasing the range of local produce sales from farms dispersed across the municipality supports local enterprise and the Yarra Valley brand.</p> <p>Pasture-feed chicken farm enterprise is a suitable use for this land.</p> <p>The dry sheep equivalent (DSE) doesn't apply for poultry. The national Free Range Farmers Association (FRFA) cite that a model approach is usually about 750 hens per hectare.</p> <p>As stocking rates of 400 are being proposed by the applicants across a farm of 8Ha, even accounting for the land used for the existing residence, their bird numbers are significantly less than the standard free-range stocking rates applied by farms in the relevant industry association.</p>

Objections and Consultation

Mail Sign * Local Newspaper

Number of Objections: 16

Objections are summarised below.

- Odour from chickens and waste.
- Increase in noise from farming operations and traffic.

- Increase in traffic.
- Increase in pollution to the environment including the Don River.
- Decrease in property value.
- Additional vermin and predators.
- Site and Animal management.
- Complaints management.

A consultation meeting was held on 18 February 2016 and was attended by the Ward Councillor , a number of objectors and the Planning officer.

Concerns raised were primarily around the number of chickens and the associated amenity impacts such as odour , noise and vermin control and the long term impacts on their residential amenity. Concerns were also raised regarding impacts on the Don river and surrounding habitat.

Objectors were concerned that given the operator of the use did not reside on the property, their concerns would not be addressed immediately. This was particularly concerning as there is a lack of contact information presented as part of the application.

Other concerns raised included inconsistency in information presented within the written submission as compared to information provided on the night regarding matters such as type of feed and site management techniques. Concerns were also raised that inadequate notification had occurred in that very few surrounding properties were notified and the sign was not appropriately placed on the site for the mandatory 2 weeks timeframe. Objectors were advised that directly adjacent properties are notified in accordance with the requirements of the Planning and Environment Act 1987 and the applicant has confirmed that the sign was placed for the mandatory time period along the front gate of the site on Don Road.

No agreement was reached with regards to the above matters.

ASSESSMENT/ KEY ISSUES

Scheme support for Proposed Use

The land is in a Green Wedge Zone where the purpose of the zone is to encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

It is clear from the purpose of the Green Wedge Zone that there is an emphasis on agricultural production and the need to retain the open rural and scenic non-urban character of the area. Typical uses include crop raising, animal keeping, extensive animal husbandry and primary produce sales for example and given some of the activities undertaken in association with these uses conflict with residential activities, the Scheme directs these uses outside urban areas. Therefore, this zone does not have an emphasis

on the protection of residential amenity for residents living in this zone but rather has an emphasis on protecting productive agricultural land and supporting its use.

The site is located within Schedule 4 of the Green Wedge Zone, which is identified within policy in Clause 21.04-3, as being an area of broad acre farming. As such, policy seeks to retain broad acre grazing as the predominant land use in the GWZ4 while providing opportunities for other agricultural activities. The policy recognises the agricultural sector as one of the key industries in the local economy and seeks to ensure that agricultural productivity is not reduced as a result of other conflicting uses on adjoining land. The key objective is to ensure that areas continue to support farming and other agricultural industries to be maintained and also for new agricultural activities to be established.

On the above basis, the diversification of the land to accommodate a free range chicken farm is supported in the zone and by state policies relating to rural productivity and the use of agricultural land.

With regard to characterisation of the use, Intensive Animal Husbandry is defined under the provisions of Cl. 74 of the Yarra Ranges Planning Scheme as:

Land used to keep or breed farm animals, including birds, by importing most food from outside the enclosures. It does not include:

- a) *an abattoir or sale yard;*
- b) *emergency and supplementary feeding if incidental to the use of land for extensive animal husbandry; or*
- c) *the penning and housing of animals, including birds, for brooding, weaning, dipping or other husbandry purposes if incidental to the use of land for extensive animal husbandry.*

In this regard, it is considered that the proposal would constitute farming at a very small scale, and given the size of the land, at a very low intensity. Whilst the proposed use is for 'Intensive Animal Husbandry', it is not considered that the scale of the use is particularly 'intensive' in a more general sense. The Planning Scheme term "intensive..." relates to how the animals derive their nutrition, rather than the scale of the actual use on the land. It is important to also note that the land could be utilised for the purpose of chicken farming with an unlimited number of chickens without any further planning permits if the amount of feed being imported to the site was less than 50% of the chickens daily nutritional needs.

It is important to note that the proposal, as presented, does not constitute the use of a 'Broiler Farm' as prescribed under the definitions of the Planning Scheme. This is due to the fact that the chickens will not be permanently housed inside a shed. As such the threshold buffer distances to sensitive land uses, as prescribed under Cl. 52.10 of the Scheme - *Uses with adverse amenity potential*, and other relevant decision guidelines pertaining to Broiler Farms, are not applicable in this instance.

The use therefore is considered to be consistent with the provisions of the Zone and policy objectives and further compliant with the definition of intensive animal husbandry.

Amenity Impacts

Clause 14.01-2 refers to establishment of intensive animal industries “*in a manner consistent with orderly and proper planning and protection of the environment*”.

Furthermore Clause 13.04-2 requires that wherever possible, there is suitable separation between land uses that reduces amenity in close proximity to sensitive land uses to protect the air and noise quality in the surrounding area.

The key issues relate to the ability to accommodate the use without unreasonable detrimental amenity impacts to neighbouring properties and the environment. The principal factors determining whether or not this use can be accommodated on this site without raising unacceptable amenity impacts, are related to the location on the review site of the facilities for the birds and their proximity to neighbouring residents, and the management of the facilities.

As the primary purpose of the zone is agriculture, it is other uses, such as dwellings unrelated to agricultural or rural type activities that are less supported by the zone rather than the agricultural or rural activities themselves. Residents within the Green Wedge Zone must expect that they will to some degree be affected by rural and agricultural activities conducted on nearby land. However, this does not mean that any activity is acceptable, rather that there is a different threshold at which impacts become unreasonable or unacceptable compared to a residential zoned area

These thresholds will vary depending on factors such as the physical characteristics of the land and surrounding area, size and intensity of the activity and any planning controls or codes of practice which may be applicable for example. A major factor for consideration is the legitimate amenity expectations that flow from the zoning. Often conflict arise in rural areas where domestic users are of the expectation that living in a rural area will provide a higher level of residential amenity. This is not always the case.

A number of objections have been received regarding amenity issues and It is noted that the surrounding properties are generally large rural land holdings whereby a number of objectors are located a substantial distance away from the subject site.

In assessing the amenity impacts of the proposal, it is noted that the issue of odour and noise and vermin are often the most common issues arising with agricultural activities of the nature proposed. As with any agricultural use involving animals, there is often an odour associated with such a use due to the nature of activities and shelter facilities available. This is usually due to the combination of animals being confined to an enclosed space for long periods of time along with concentrated drainage and waste management issues

The applicant has advised that with regards to the stocking of birds within a confined space, this only occurs whilst the chickens are relatively young and the remainder of the time they are left to forage in the paddocks within the temporary enclosures. Hence, there is limited times when the chickens are confined to an enclosed space where odours can be generated.

With regards to waste management, the applicant advises that considering the stocking rates, the cycle of broods and, paddock rotation strategy that is proposed, waste build-up of nutrients on site (chicken manure) would not be a significant issue as it would be

dispersed across the paddocks as compared to being collected in one spot and therefore would not necessitate nutrient build up maintenance.

An inspection of the site reveals that the nearest dwellings in separate ownership would be 30m away from the property boundary to the north and approximately 100 metres to the south. All other dwellings are located more than 200m away from the site boundaries.

Given the low-scale nature of the proposal and the proposed location of the pasture area, it is considered that the use is suitably removed from neighbouring residents and at a low enough intensity to not cause undue amenity impacts. It is considered that adequate distance would be provided between the nearest sensitive uses and the subject site in order to ameliorate any unreasonable off-site impacts.

This is not to suggest that there would not be any odour or noise experienced, however it is considered the nature and strength of the odour and noise would not be unreasonable or unacceptable within the zone. It is recognised that changing climatic conditions may alter the odour levels occasionally, however given the site context and the relatively small number of birds, it is not considered that these odours will pollute the atmosphere to a point that the atmosphere is substantially changed to make the noise or odour offensive. It should be noted however that the degree of odour impact can be a subjective impacts depending on an individual sensitivities.

The applicant submits that due to the small scale nature of the proposal, the proposal would not cause odour and noise issues if appropriate site management procedures are followed. A review of the submitted amenity management plan indicates that there is information lacking with regards to detailed procedures and timeframes required to manage the site in a suitable manner.

In order to ensure that the management of the use is conducted in an appropriate manner, it is recommended that a condition be included requiring the applicants to submit to the Council for approval a revised site management and amenity protection plan prepared by a suitably qualified professional which will include requirements for the applicants to demonstrate suitable methods for controlling odours and noise and other amenity issues. The management plan will also be required to include a dispute resolution process which is intended to provide a mechanism through which any future complaints about amenity issues emanating from the site are capable of being addressed through a process of consultation between the neighbours, the permit holders and the Council. It is envisaged that the contents of any dispute resolution methodology outlined in the Plan would provide the opportunity for neighbours to raise problems in the event that they arise, either directly with the permit holders or a nominated contact person, with the permit holders being then required to respond to the complaint within a nominated time frame. It is not expected however that this will need to arise given the low intensity of operations.

It is noted that at the consultation meeting, the matter of the operators of the use not being the owners who reside on the site was a matter of concern for the residents as there was no ability to contact the operator in the event of an emergency. It is therefore recommended that the management plan must include details of the relevant contact for emergency purposes who can attend to the site or any other complaints in a timely manner as prescribed in the Plan to the satisfaction of the Responsible Authority. The Plan must outline various scenarios and timeframes which must be applicable with regards to responding to the various matters raised.

Vermin

The presence of poultry and feed could create the potential to attract vermin on the site if not managed appropriately.

The applicant has stated that feed would be stored in metal receptacles, including in 44 gallon drums in the paddocks. As part of the condition of approval, it is recommended that the management plan include measures relating to vermin control and a pest control management plan prepared by a suitably qualified professional is submitted outlining best practice methods for vermin control and management techniques.

Objector concerns

Visual Impact

The visual impact of the chickens roaming on the land as well as the shelters has been raised by the objectors.

As discussed above, the shelters are small in height, area and number. Such shelters are considered to have lesser impact than say something such as horse loose-boxes that might also be commonplace in rural and particularly rural fringe areas. The shelters would be scattered around the site and given their small number and low scale, are not considered to have any adverse impact on the surrounding area.

The impact of the number of chickens on the site is not considered to be unacceptable and considering the rural nature of the site and area, is to be expected.

Traffic

The level of increased traffic is considered to be minimal and not to cause unreasonable impacts on the surrounding area.

Birds would be in 8 week cycles with one cycle occurring every three weeks. This would result in four vehicle movements (two in, two out) per batch. This includes:

- taking mature birds off-site and returning vehicle being empty; and
- leaving the site to pick up chicks with an empty vehicle and returning with a load of new chicks.

In addition, feed runs would occur every fortnight with a utility vehicle or small truck.

This is considered to be a relatively low level of vehicle activity associated with a farming operation. There may be other incidental trips made, however, the above represents the vast majority of the trips to and from the farm for the purposes of the proposed operation. Incidental trips, again, would be commonplace and expected in agricultural areas.

Environmental Impacts

The proposed use does have the potential to create off-site environmental impacts if not appropriately managed. However, similar to the matters discussed above, the attributes of the site and also the low-scale nature of the proposal is considered to result in impacts to the environment that would be minimal and able to be appropriately managed.

The Don River is located 60-70 metres to the west. Given the proximity of the river, the application was informally referred to Melbourne Water. Melbourne Water has considered the application to be one that is akin to a broiler farm and as such recommended conditions accordingly. The matter has been raised with Melbourne Water who has advised that , given that they are not a mandatory referral authority, it is up to Council discretion to consider their conditions and comments

No objection was raised subject to conditions on any permit issued relating to a Site environmental management plan detailing effluent, sediment and pollution controls implemented due the operational phase of the project and that all effluent must be treated on site in accordance with the relevant EPA requirements. The conditions required by Melbourne Water are not considered to be so onerous as to be unachievable. Melbourne Water has also advised that the Stream condition rating for the Don river is currently 'Moderate' with the aim to increase this level to 'High' and that there must be no detected impact to the water quality in the Don River from the operation.

Given these stringent conditions, it is recommended that the management plan include strategies around auditing the Don River with regards to effluent run off on a yearly basis and a copy to be provided to Council for Council record keeping.

Property devaluation

The devaluation of property is not a planning matter and is not considered as part of this application. It would be concerning that rural property values would be negatively impacts by legitimate agricultural uses such as that proposed.

Site and Animal Management

It is considered that these matters can be adequately addressed in a Site Management and Amenity Management Plan

CONCLUSION

It is important to reemphasise that the subject site and surrounding area is zoned Green Wedge Zone so as to allow agricultural activities to occur on the land.

The potential amenity impacts that could occur as a result of this proposal are not considered to be at such a level or unmanageable so as to warrant refusal of the application. The fact that there are rural residential properties nearby should not outweigh the purpose of the zone or the various scheme policies that seek to encourage such uses to be established and must not interfere with the ability for agricultural uses to be established.

The proposal is considered to comply with the purpose of the zone and also various policies within the State and Local Planning Policy Framework of the Yarra Ranges Planning Scheme in that it seeks to establish an agricultural use on agriculturally zoned land. It would have minimal impacts on the surrounding area which could be managed via conditions on any permit.

ATTACHMENTS

- 1 Conditions
- 2 Planning Scheme Provisions
- 3 Advertising/Objector Plan
- 4 Aerial Plan
- 5 Site Plan
- 6 Elevations

CORPORATE SERVICES

No. of Pages – 4

7.6 Audit and Risk Management Committee Appointments

RESPONSIBLE OFFICER	Director Corporate Services
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SUMMARY

Section 139 of the Local Government Act 1989 requires Council to establish an audit and risk management committee (the Committee) as an advisory committee to Council. The terms of reference of the Committee are outlined in Yarra Ranges Audit and Risk Management Committee Charter which has been approved by Council and published on Council's website.

The current Committee consists of five members, comprising three independent members and two Councillor representatives. Council appoints independent members for a maximum of three years with only one independent member vacancy occurring in any one year. Further, Council is required to appoint a chairperson for the committee, the chairperson being one of the independent members.

The term of Mr Simon Crone's appointment as an Independent Member and Chair of the committee expired in March 2016 and as Mr Crone has served three terms of a minimum three years, he is ineligible for reappointment. As a consequence, Council has publicly advertised for appropriately qualified and experienced persons to apply for the position of independent member and chair of the committee (subject to Council approval on an annual basis) for an initial three year term commencing 1 May 2016.

The interview panel unanimously endorse the recommendation that Ms Bev Excell be appointed Chair of the Audit and Risk Management Committee. As Ms Excell is an existing independent member of the committee, the retirement of Mr Crone from the committee creates a vacancy for an independent member.

The interview panel, having considered the requirements of the committee unanimously endorse the recommendation that Mr Steven Schinck be appointed to the committee as an independent member for an initial three year term also commencing on 1 May 2016.

The Committee and management also recommend that the remuneration for the position of Committee Chair be set at \$1,500 (excluding GST) per meeting and for the independent member be set at \$1,250 (excluding GST) per meeting and subject to yearly adjustment in line with annual Consumer Price Index (CPI) published by the Victorian Department of Treasury and Finance.

RECOMMENDATION

That

1. *Ms Bev Excell, an existing independent member of the Committee is appointed to the position of Chair of the Committee for a one year term expiring 30 March 2017.*
2. *The remuneration for the position of Chair of the Committee be set at \$1,500 (excluding GST) per meeting and be subject to annual adjustment in line with the annual CPI figure released by the Department of Treasury and Finance.*
3. *Mr Steven Schinck is appointed as an Independent Member of the Committee for a three year term expiring 1 May 2019.*
4. *The remuneration for the position of Independent Member of the Committee be set at \$1,250 (excluding GST) per meeting and be subject to annual adjustment in line with the annual CPI figure released by the Department of Treasury and Finance.*

PROPOSAL

That council affirm the appointment of Ms Excell independent member of the Committee chair of the Committee and Mr Steven Schinck to the vacant independent member position on the Committee.

BACKGROUND

The Committee's Charter confirms the composition of the committee as:

- Maximum of five members.
- Minimum of two independent members with a maximum of three.
- Minimum of one Councillor representative with a maximum of two.
- Majority of independent members.
- Chairperson to be appointed by Council from the independent members on an annual basis.

Independent member terms of appointment are limited to a maximum of three terms (each term being a maximum of three years). As Mr Crone has served three terms, he is ineligible for neither reappointment as an independent member of the committee nor appointment as chair of the committee.

The committee, at the meeting conducted on 29 February 2016, was advised that Council has and agreed that Council should publicly advertise for the position of independent member and chair of the committee. The advertisement was placed in numerous on-line sites and The Age newspaper on or after 17 February 2016.

Council received 24 applications for the role and four applicants were interviewed. The interview panel (the panel) consisted of Cr Jason Callanan (Mayor), Mr David Osborne (Independent Member of Audit and Risk Management Committee) and Mr Glenn Patterson (Chief Executive Officer).

The panel unanimously agreed after conducting interviews with the applicants and referee checks for the preferred applicants that Ms Bev Excell should be recommended to Council for appointment as the Chair of the Committee for an initial one year period. Ms Excell is currently an independent member of the committee and her term expires on 30 March 2017.

With the appointment of Ms Excell as chair of the committee and the retirement of MR Crone from the committee, a casual vacancy for an independent member of the committee has been created.

Rather than conducting a second round of advertising, the interview panel reviewed the three remaining applicants to determine the suitability of any of the applicants for the independent member vacancy, taking into account the skill sets of current members of the committee.

The panel unanimously agree the Mr Steven Schinck should be recommended to Council for appointment as an Independent Member of the Committee for a period of three years, expiring on 1 May 2019.

While the remuneration for the chair and independent member positions, being \$1,500 (excluding GST) per meeting and \$1,250 (excluding GST) per meeting has remained unchanged for many years, it is recommended to council that an annual adjustment be applied to the remuneration paid to independent members. As Council is subject to rate capping, it is proposed that the annual adjustment be equal to the annual rate capping factor applied to Council's rate base.

STRATEGIC LINKS

The appointment of the Chair of the Committee and an Independent Member link to the Council's Key Strategic Objective – High Performing Organisation and fulfil Councils obligations under the Local Government Act 1989.

CONSULTATION

No consultation was required.

FINANCIAL IMPLICATIONS

The appointment of the Chair and Independent Member are within the current budget and future year remuneration adjustments will be in line with annual rate capping adjustments.

KEY ISSUES

Council is required to form an Audit and Risk Management Committee whose objective is to provide independent assurance and assistance to the Council (and management) on the Council's risk, control and compliance framework, and its external accountability and responsibilities.

The above appointments allow the Committee to operate to fulfil this objective.

Environmental Impacts

Environmental impacts have been considered and are not relevant.

Social Impacts

Social impacts have been considered and are not relevant.

Economic Impacts

Economic impacts have been considered and are not relevant.

Risk Assessment

The committee provides independent assurance to Council in respect to Council's management of risk, and as such the recommended reappoints will ensure the continuation of a high performing committee

CONCLUSION

In line with the terms of the Audit and Risk Management Charter, it is recommended to Council that Ms Bev Excell current Independent Member be appointed Chair of the Committee for an initial term of one year and Mr Steven Schinck be appointed for an initial three year term as an Independent Member of the Committee.

ATTACHMENTS

Nil

ENVIRONMENT AND ENGINEERING

No. of Pages – 6

7.7 Kimberley Recreation Reserve Master Plan

RESPONSIBLE OFFICER Director Environment & Engineering

SUMMARY

The Kimberley Recreation Reserve, Chirnside Park Master Plan was adopted by Council in 2015 after extensive community consultation. The Reserve is a local level facility offering a significant place for the community to play football, netball and cricket and is highly valued by those who use it to walk, jog, dog walk and play.

The master plan recommendations are estimated to cost \$3.6M plus improvements to the pavilion required to meet the demonstrated female participation and public toilet needs.

Planning is underway for an \$800,000 project that includes the master plan priorities of playground, multi purpose ball courts, enhanced dog off lead park, training and fitness stations and pathways.

The Chirnside Park Football Club has proposed that Kimberley Reserve should respond to the needs of the Mount Lilydale Old Collegian Soccer Club (2 teams) and build a new soccer facility on the site in the area currently identified in the master plan as the dog off lead park. Based on concepts presented by the club, this proposal would add over \$9M to the total master plan implementation costs, require significantly more car parking, require increased amenities within the pavilion, remove the dog off lead park and impact on the available open space network.

To strategically address the rising soccer interest in the urban area, consideration of synthetic facilities at Esther Park, Mooroolbark in the medium term and Cave Hill, Lilydale in the long term have been included in master plans and development proposals. Both sites offer district - regional level soccer opportunities given their multi field capacity and central locations.

It is considered that the proposal for including soccer at Kimberley Reserve would need to be presented to the reserve users and the Chirnside Park and soccer community for a public consultation period of at least four weeks to seek feedback on the proposal.

RECOMMENDATION

That Council

1. ***Acknowledge the Chirnside Park Football Club's Soccer and Pavilion proposal.***
2. ***Undertake community engagement with residents, users groups and key stakeholders to seek feedback on the proposal for including soccer facilities at Kimberley Reserve.***

PROPOSAL

Chirnside Park Football Club (CPFC) has proposed that Kimberley Reserve should respond to the needs of the Mount Lilydale Old Collegian Soccer Club (2 teams) and build a new synthetic soccer facility to be located on the site currently identified as the dog off lead park in the Kimberly Recreation Reserve Master plan adopted in 2015.

BACKGROUND

Kimberley Reserve Master Plan August 2014

Kimberley Reserve is a 10 hectare, local level, multiuse reserve in Chirnside Park and is a key piece of public open space within the community. The area also incorporates Sunset Drive Reserve. The facility offers two sports ovals, a community centre, sports pavilion, dog off leash area and pathways

The Kimberley Reserve master plan was prepared in consultation with community and key stakeholders to addresses the identified needs of the member sporting groups, make provision for community use of the public open space and include the redevelopment of the Chirnside Park Community Centre and redevelopment of the sports pavilion to meet the needs of female participation.

The master plan's key priorities are estimated at \$3.6m plus the cost of upgrading the sports pavilion and include: playground replacement, dog park, multi-court facilities, improved connectivity and wayfinding, cricket net relocation, improved traffic management, fitness equipment, sporting fields upgrades of lighting, drainage and fencing.

Pavilion Feasibility Study and Soccer Facility Proposal

The need to enhance the pavilion to cater for female and junior participation has been recognised in the Major Sports Pavilion Audit undertaken by Council.

As part of the pavilion redevelopment process a feasibility study is currently being prepared. Chirnside Park Football Club has developed a story board to capture their current and future use to inform the feasibility study. The report is comprehensive and whilst capturing the identified needs for sport participation it has also considered community spaces and a proposed merger with Mount Lilydale Old Collegian Soccer Club (MLOCSC), currently based at Lilydale Mercy College Sporting Oval. The report presented by the club included a proposed soccer pitch and larger pavilion to cater for additional sports on site.

Council officers, using compliant measurements, have identified only one area where the soccer pitch could be located to meet Football Federation Victoria requirements, which is currently identified in the master plan for the reserve as a dog off leash area.

Due to the limited available space, poor drainage and potentially high volume of usage, it is considered that a synthetic soccer pitch is the only viable option for the location.

Playground replacement project including dog park build and provision of multi-court facilities

The playground replacement was highlighted as a priority by the community and in the master plan. A request for \$300K for the playground and dog park construction has been requested in Councils 2016/17 budget. In addition to this Council has applied to Round 2 of the Interface Growth Fund for \$500K towards the playground, dog park, multi court facilities and connectivity, which is forecast to cost \$800K in total.

Soccer in the Urban Area

To strategically address the rising soccer interest in the urban area, consideration of synthetic facilities at Esther Park, Mooroolbark in the medium term and Cave Hill, Lilydale in the long term have been included in master plans and development proposals.

Esther Park is a district level facility currently offering three plus grass soccer fields and two pavilions. The Ester Park Master Plan identifies the need to investigate installation of synthetic facilities. This current site has two current tenants, offers multiple fields, is centrally located and with conversion to synthetic surface/s offers a short to medium term solution to cater for growth in soccer in the urban area.

Cave Hill residential development proposed a district to regional level sport and recreation precinct including a number of synthetic sports fields suitable for soccer and other sports. This proposed site will have multiple fields, be centrally located and offers a longer term solution to cater for growth in soccer and other sports in the urban area.

STRATEGIC LINKS

Yarra Ranges Council Plan 2012-16 - Strategic Objectives: Active and Engaged Communities and Quality Community Infrastructure

Yarra Ranges Health and Well Being Strategy 2013 - 2017 - Goal One: People in our community engage in and increase their participation in all kinds of physical activity

Recreation and Open Space Strategy (ROSS) 2103 - 2023 – Establishes the strategic direction for sport and recreation in Yarra Ranges to create healthy and active environments.

Kimberley Reserve Master Plan August 2014 - Kimberley Reserve Master Plan supports the development of the pavilion and the increasing of female and junior participation through infrastructure development. The plan does not consider a synthetic soccer field. This master plan is supported by Council's Recreation and Open Space Strategy.

Esther Park, Mooroolbark Master Plan 2012 - Supports a synthetic soccer field to accommodate future demand for soccer in the urban district. This master plan is supported by Council's Recreation and Open Space Strategy.

Cave Hill Development Plan - Supports synthetic sports fields to accommodate future demand for soccer in the urban area. The development plan is supported by Council's Recreation and Open Space Strategy.

CONSULTATION

The Kimberley Reserve and Esther Park Master Plans were prepared in consultation with community and key stakeholders.

For Kimberley Reserve a survey was distributed to 4,800 residents and 66 conversations were held at community listening posts conducted in the Chirnside Park Shopping Centre. Meetings were also held with the sporting clubs based on the reserve, Chirnside Park Community Centre and Chirnside Park Primary School. Residents that responded to survey or attending listing post was 619.

For Esther Park a survey was undertaken of surrounding residents. A total of 580 surveys were distributed to local residents, with 200 surveys (34.5%) returned. Key stakeholder interviews and community forums were also hosted to inform the plan.

Whilst variations to the master plan are always possible, due to the extent of community engagement, the significance of variation to the master plan and the relatively recent time in which the master plan was developed, it is considered that renewed engagement would need to occur with the reserve users, neighbouring residents and wider community if the soccer proposal was to proceed.

FINANCIAL IMPLICATIONS

The Kimberley Reserve pavilion was highlighted in Council's pavilion audit mainly for its shortcomings in meeting the needs of female participation. Council's pavilion policy supports the annual allocation of \$2M for pavilion redevelopments, with up to \$1M per pavilion. It was initially anticipated that the Kimberley Reserve pavilion had the potential to be redesigned to meet the needs of female participation within a \$1M allocation, allowing it to be actioned in the short term.

The Chirnside Park Football Club's proposal has been developed with no formal cost estimates. A Quantity Surveyor was therefore engaged to provide an independent cost estimate of the club's proposal. The estimated total cost of the club's proposal is \$9,533,000, which includes the pavilion at a cost of \$6M, soccer pitch, parking, playground, dog park, cricket net relocation, courts and scoreboard (not all of the master plan priorities). The cost estimate of \$6M for the pavilion is the same to build new or to redevelop the existing.

The Kimberly Reserve Master Plan cost estimate is \$3.6M (excluding pavilion redevelopment). Only a small portion of the overall prioritised items have been included in the CPFC proposal. Another \$3M would need to be added to the \$9.533M cost estimate to complete the master plan.

The Esther Park Master Plan does not include the synthetic fields costs. A cost estimate for a synthetic field can cost up to \$2M.

KEY ISSUES

Current and endorsed master plans exist at Kimberley Reserve and Esther Park.

The future of soccer in the urban area has been resolved to be met at Esther Park and Cave Hill.

A new request for soccer facilities at Kimberley Reserve is not considered in the master plan. The proposed location of the facility conflicts with a new dog park, and the facility will require significant investment to construct additional infrastructure such as parking and change rooms.

Council has an obligation to consult with relevant stakeholders on any proposed changes to master plans.

Environmental Impacts

Water sensitive urban design would form part of any works. The off lead dog park will be designed to minimise impact from dogs to the wildlife in the Melbourne Water reserve.

Social Impacts

Co-location of facilities and sporting codes, an emphasis on female and junior participation as well as encouraging a host of unstructured leisure activities in public open spaces are strongly encouraged by Council.

Economic Impacts

A proposed soccer facility at Kimberley Reserve presents significant economic impact due to the unplanned capital, operational and maintenance costs over the life of the facility and no known increases in income

Risk Assessment

The increase in costs of including a synthetic soccer facility and the additional amenities required to support a new club at Kimberley Reserve is significant.

The changes to a newly adopted master plan could present reputational risks to Council, particularly from the significant dog walking community who may feel disaffected as a result of changes to the area that was to be allocated for their interests.

CONCLUSION

The Kimberley Recreation Reserve and Esther Park Master Plans are endorsed council plans providing direction for the site's future development based on demonstrated community demands.

Whilst Esther Park and Cave Hill are proposed to meet the needs of urban areas soccer in into the future the Chirnside Park Football Club have proposed a new soccer facility be considered for Kimberley Reserve to relocate Mount Lilydale Old Collegian Soccer Club from Lilydale. Accommodating this request would require investment of \$9.533M plus an additional \$3M to complete recommendations in the master plan.

Due to the Chirnside Park Football Club's request, the impact of the request has on the current master plan and site and the proposed future of soccer in the urban area, it is proposed community consultation take place to seek feedback on the proposal.

ATTACHMENTS

- 1 CPFC's Proposed Pavilion - Design Concept
- 2 CPFC's Proposed Pavilion - Cost Estimate

7.8 Municipal Accommodation Project - Anderson Street Redevelopment

RESPONSIBLE OFFICER Manager Special Projects

SUMMARY

In August 2015 Council endorsed the development of a feasibility assessment to investigate current issues and present revised concept options for rectification or potential extension and refurbishment of the Anderson Street Council Offices.

This report provides Council with the outcome of investigations, presents costed concept options for consideration and seeks provision of additional funding required to deliver the preferred concept.

RECOMMENDATION

That Council

1. ***Endorses the complete redevelopment of the Anderson Street Council Offices site.***
2. ***Approves the additional funding and borrowings required to undertake the complete redevelopment of the Anderson Street Council Offices.***
3. ***Funds additional costs for the complete redevelopment of the Anderson Street Council Offices with \$3.8 million from the Asset Renewal Fund, and \$5.9 million from new borrowings.***

PROPOSAL

The Municipal Accommodation Project has been under development in its latest iteration since May 2010. The project was put “on hold” in October 2012 to further investigate the leasing or purchasing options for the former Swinburne University site. It has always been Council’s preference to see the former Swinburne University site maintained as a place for vocational and higher education and it is pleasing that post secondary education is now being provided by Box Hill Institute of Technology at that campus.

With the outcome of the former Swinburne University campus now known, it is timely to focus on redeveloping Council’s existing offices in Anderson Street, Lilydale.

In August 2015 Council endorsed the development of a revised feasibility assessment for the Anderson Street Council Offices to investigate current issues and to develop concept options for consideration by Council.

These feasibility investigations focused on identifying compliance and end of life issues that must be addressed for the continued occupation of the existing Council Offices at Anderson Street. The inspections established that these facilities are in very poor condition, with several elements having significant and costly compliance issues. Much of

the building fabric and services are at the end of their operational life and are in need of replacement.

The feasibility assessment process has developed three approaches to address the site's current compliance and end of life issues and recommends a preferred option for the extension and refurbishment of the Anderson Street Council Offices.

It is proposed that Council considers this information and endorses the complete redevelopment of the Anderson Street Council Offices.

BACKGROUND

Council's civic office accommodation at Anderson Street was originally constructed in the late 1970s and is now no longer "fit for purpose". The site and buildings require significant modification and refurbishment to be compliant with current day standards. This is due in part to the age of the facility, its current configuration, changing legislation and standards, organisational growth and limited capital investment.

The Municipal Accommodation Project was initiated to achieve:

- Improved community access and meeting facilities
- Improved equity of access for all
- Improved energy efficiency, water efficiency and facilities that showcase sustainability and achieve utility cost savings
- Reduced maintenance, risk exposure and life cycle costs
- Higher employee productivity and workplace satisfaction
- Improved flexibility and working environment
- Improved image of the Council and subsequent ability to attract and retain high quality employees.

In October 2012 Council resolved to "put on hold" the Design Development phase of the Municipal Accommodation Project to further investigate the leasing or purchasing options for the former Swinburne University site. It has always been Council's preference to see the former Swinburne University site maintained as a place for vocational and higher education and it is pleasing that post secondary education is now being provided by Box Hill Institute of Technology at that campus.

With the outcome of the former Swinburne University campus now known, it is timely to focus on redeveloping Council's existing offices in Anderson Street, Lilydale.

During this period high level site feasibility assessments were undertaken to consider alternate locations and funding models for Council's Office Accommodation. The outcome of these assessments confirmed that redevelopment of Council's existing Anderson Street site was the most viable and practical option.

To further support this project, Council has implemented a behavioural and cultural change process aligned with the philosophy of Activity Based Working. This concept represents the opportunity to challenge the traditional “open plan” office design to provide a modern, flexible working environment that promotes innovation, collaboration and increased productivity. This flexible working philosophy also facilitates a reduction in required operational floor space through its innovative and flexible task focused design.

In August 2015 Council endorsed the development of a feasibility assessment for the Anderson Street Council Offices to investigate current issues and to develop concept options for consideration by Council.

To undertake these works a consultancy team was engaged, including external quantity surveyors for independently certified cost planning. This process has drawn upon all past works and investigations that were undertaken as part of the previous iterations of this project to avoid duplication or unnecessary expenditure.

The summary of fixed lump sum costs for the completion of the concept phase is:

Feasibility and Concept Cost Summary	
Consultancy Services – Design Team	\$47,700
Consultancy Services – Quantity Surveyor	\$20,700
Due Diligence Investigations	\$48,712
Total Cost, Excluding GST	\$117,112

Feasibility Assessment Outcomes

These feasibility investigations focused on identifying compliance and end of life issues that must be addressed for the continued occupation of the existing Council Offices at Anderson Street. The inspections established that these facilities are in very poor condition, with several elements having significant and costly compliance issues. Much of the building fabric and services are at the end of their operational life and are in need of replacement.

In summary, the key issues identified as part of this process are:

- The existing Anderson Street Council Offices have unresolved issues with the current Certificates of Occupancy.
- Access from existing car parks, footpaths, entries, internal circulation, amenities, and floors do not conform to current access requirements and codes.
- Electrical distribution boards at the Anderson Street Council Offices are outdated and require replacement. These electrical distribution boards lack Residual Circuit Devices (RCD) and fire seals, making them non-compliant with current requirements.
- Mechanical plant and equipment is at the end of its useful life and requires replacement to mitigate risks, avoid excessive maintenance costs and a potential failure that would cause significant impact to service delivery.

- The existing fire hydrant system is undersized in some locations resulting in insufficient water pressure and non-compliance. In addition, many hydrant locations are not fire protected with some existing hydrants and hose reels having non-conforming accessibility and mounting heights.
- The operational performance of the building's roof, walls, openings, windows and floors is very poor, causing costly additional power consumption for the heating of the building in winter and the cooling of the building in summer.
- External and internal walls have cracking due to moisture level changes, requiring repair. One of the issues identified is the slab at the front of the current Library building which has failed and requires rectification.
- The poor condition of the downpipes, stormwater and drainage systems of the Anderson Street building, is causing movement in the building structure and resulting in internal water damage and wall cracking.
- The buildings contain asbestos and hazardous materials that will require management and removal as part of any rectification or refurbishment works.
- The Council buildings do not present in a way that is consistent with the codes and regulations administered by the Council and what Council requires developers, businesses and ratepayers to meet.

To rectify the deficiencies present, considerable disruption to services would result and portables would be required to temporarily accommodate employees.

Nor can these issues be rectified in isolation. The Building Code of Australia requires that if the Council undertakes works on 50% of the building, then the entire building is required to be brought into conformance with the Building Regulations.

The rectification costs of the specific issues identified as part of this process are:

Existing Building Rectification Cost Summary	
Cost of rectifying the existing Lilydale Buildings	\$4,397,000
Contingency/Escalation/Professional & Authority Fees	\$1,573,000
Out of Hours Works	\$560,000
Total Rectification Cost, excluding GST	\$6,530,000

Concept Options

During February and March 2016, a brief was developed that has informed the three approaches for consideration by Council.

The key objectives established as part of this process were to:

- Eliminate risk through the rectification of certification, compliance and occupational health and safety issues.
- Develop a Council building that better responds to the needs of the community.

- Create additional multi purpose civic and community function / meeting space.
- Provide permanent outcomes by removing the temporary offices and centralising the Council into a single location.
- Consolidate Council's accommodation to remove the reliance on leased premises in Chapel Street, Lilydale (which costs \$139,000 per year, including car parking and outgoings).
- Creates a modest, humble and fit for purpose building that will last at least 60 years.
- Delivers sustainability objectives through considerable reductions in operational and life cycle costs.
- Accommodates and supports a modern flexible working environment.
- Provides a flexible spatial layout to allow future changes in space needs and use.
- Facilitates equity of access to all.
- Provides safer and compliant pedestrian access to the building and surrounds.
- Provides a variety of office environments to support different needs of tasks and improve productivity, collaboration and customer service.

The proposals were developed understanding the current fiscal environment and the existing approved budget allocation for this project. All approaches include the rectification of existing accommodation issues identified during this process.

The key criteria for this process are as follows:

- Resolution of existing certification gaps and anomalies within existing buildings must be addressed as a minimum outcome.
- Resolution of existing compliance and end of life issues for all buildings and surrounds.
- Addressing inefficient arrangements with employees in disparate locations, plus some rented areas.
- Addressing Council meeting areas that do not suit all civic functions and community meeting requirements.
- Upgrade of work areas to suit current workplace strategy.
- Facilities to support Council's purpose, philosophy, objectives and key principles.

Facilities to present well to the community, for the Council and its services.

All redevelopment proposals were designed to create a total building area of 5500 square metres that would accommodate all Council operations, civic requirements and additional community meeting/function space. All redevelopment proposals have assumed relocation of the Library to an alternative location.

The concept redevelopment proposals presented below are inclusive of all rectification costs required for the ongoing occupation of the Anderson Street Council Offices.

Option 1: Refurbishment (Limited) for \$18.0m

This option is a limited reworking and extension of the existing main Anderson Street building. This will provide sufficient additional accommodation to allow the relocation of employees from Chapel Street. The proposal does not resolve the existing inefficient accommodation arrangements for employees in portables adjacent to the main Anderson Street building, as the southern and west portables would remain and receive minimum rectification to make them comply with current building requirements.

This proposal consists of approximately 270 square metres of new build / extension for the main Anderson Street building, 3380 square metres of main Anderson Street building refurbished 1385 square metres of southern portable and 465 square metres of West Portables to be rectified to comply with current building requirements.

This proposal will address the following criteria:

- Council meeting areas enlarged to suit all civic functions and community meeting requirements.
- Resolves certification gaps and anomalies of existing buildings.
- Resolves buildings and surrounds compliance and end of life issues.

This proposal partially addresses the following criteria:

- Work areas partially upgraded to suit current workplace strategy.
- Facilities partially fulfil the Council's purpose, philosophy, objectives and key principles.
- Facilities start to represent well to the community, for the Council and its services.

This proposal fails to address:

- Inefficient arrangement with employees in disparate locations, including some rented facilities.

This is not Council Officers' preferred option.

Option 2: Refurbishment and Redevelopment (Partial)for \$22.5m

This option is for the partial refurbishment and extension of the existing main Anderson Street building. This will provide sufficient additional accommodation to allow the relocation of employees from Chapel Street, the removal of the western portables and relocation of its employees into the main building. The proposal does not resolve the existing inefficient accommodation arrangements for employees in the southern portables as they would remain and be rectified to make them comply with current building requirements. The site areas adjacent to the remaining buildings would be modestly upgraded as part of this option.

This proposal consists of approximately 1800 square metres of new build / extension for the main Anderson Street building, 2500 square metres of main Anderson Street building refurbished, 1200 square metres of southern portable to be refurbished, plus site works.

This proposal will address the following criteria:

- Council meeting areas enlarged to suit all civic functions and community meeting requirements.
- Resolves certification gaps and anomalies of existing buildings.
- Resolves buildings and surrounds compliance and end of life issues.

This proposal partially addresses the following criteria:

- Work areas mostly upgraded to suit current workplace strategy.
- Facilities partially fulfil the Council's purpose, philosophy, objectives and key principles.
- Facilities start to represent well to the community, for the Council and its services.

This proposal fails to address:

- Inefficient arrangement with employees in disparate locations, including some rented facilities.

This is not Council Officers' preferred option.

Option 3: Redevelopment (Complete) for \$28m

This option is a complete refurbishment and multilevel extension of the existing main Anderson Street building. This will provide sufficient additional accommodation to allow the relocation of employees from Chapel Street, and the removal of all adjoining portables. The proposal delivers the centralisation of all employees into one single building in a modern and flexible working environment. As part of this option the areas surrounding the main building will be upgraded to improve accessibility, functionality and integration with the existing landscape.

This proposal consists of approximately 3000 square metres of new build / extension for the main Anderson Street building and 2500 square metres of main Anderson Street building refurbished, plus substantial site works.

This proposal will address all of the following criteria:

- Resolve disparate office locations, less inefficiency for employees and end rental cost.
- Council meeting areas enlarged for all civic functions.
- Work areas upgraded to suit current work approaches.
- Facilities fulfil the Council's purpose, philosophy, objectives and key principles.

- Facilities represent well to the community, for the Council and its services.
- Resolve certification gaps and anomalies of existing buildings.
- Resolve buildings and surrounds compliance and end of life issues.

This is Council Officers' preferred option.

STRATEGIC LINKS

This project has strong links to Council's Workplace Strategy, People and Culture Strategy, Information Technology Strategy, Sustainability Strategy, Digital Strategy, Strategic Asset Management Planning and Long Term Financial Plan.

CONSULTATION

Subject to which option Council chooses to adopt, a community engagement plan will be developed in accordance with Council's Community Engagement Framework.

In order to ensure our community is well informed about the project a number of communication activities are proposed. This will provide clarity around the intent of the redevelopment and ensure the design considers community need for meeting and function space.

A further report to Forum seeking Councillor feedback on the proposed engagement activities can be provided once a preferred option is known. Proposed engagement activities will include the following:

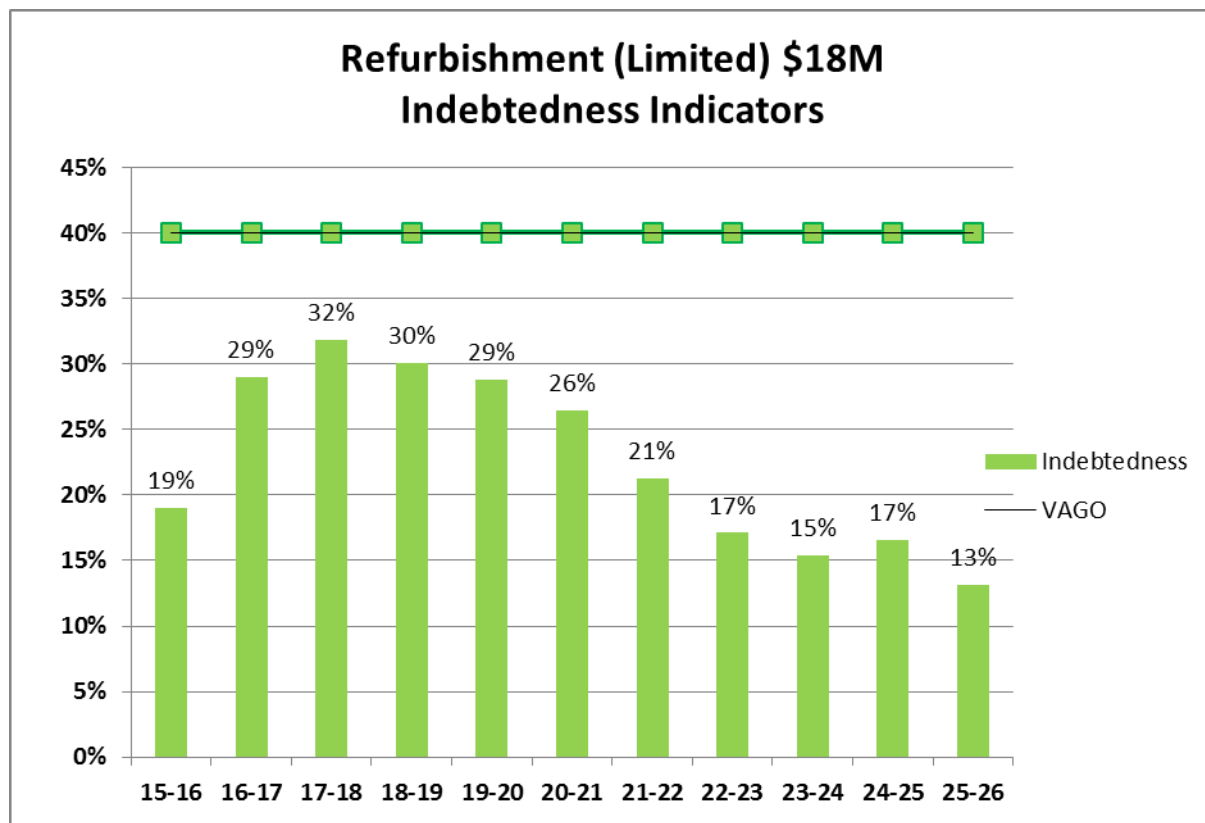
- A registration-based information session at the Lilydale Office where interested parties will have an opportunity to look at selected parts of our offices.
- Community forum as part of the design development phase that will engage key community user groups to ensure the use of meeting and function space is maximised.
- Roadshow to inform the community of the design when available (which is estimated to be early 2017).
- Promotion of Roadshows, Information Sessions and other feedback channels through local newspapers and Yarra Ranges Local.
- Dedicated www.yarraranges.vic.gov.au webpage providing project updates and information to capture frequently asked questions and community feedback on the project.
- Project updates via social media, specifically Facebook and Twitter.

In addition, Council will communicate with key stakeholders adjoining the site directly as part of the project phases.

FINANCIAL IMPLICATIONS

Option 1: Refurbishment (Limited) for \$18.0m

The current cost for a base refurbishment is \$18.0 million. The funds available for the project are \$17 million in 2015-16 and \$1.3 million in 2017-18. This would mean no further budget or borrowings would be required for base refurbishment, and Council's Victorian Auditor General's Office (VAGO) financial sustainability indicators for indebtedness would remain at the levels forecast in the budgeted 2016-17 long term financial plan:



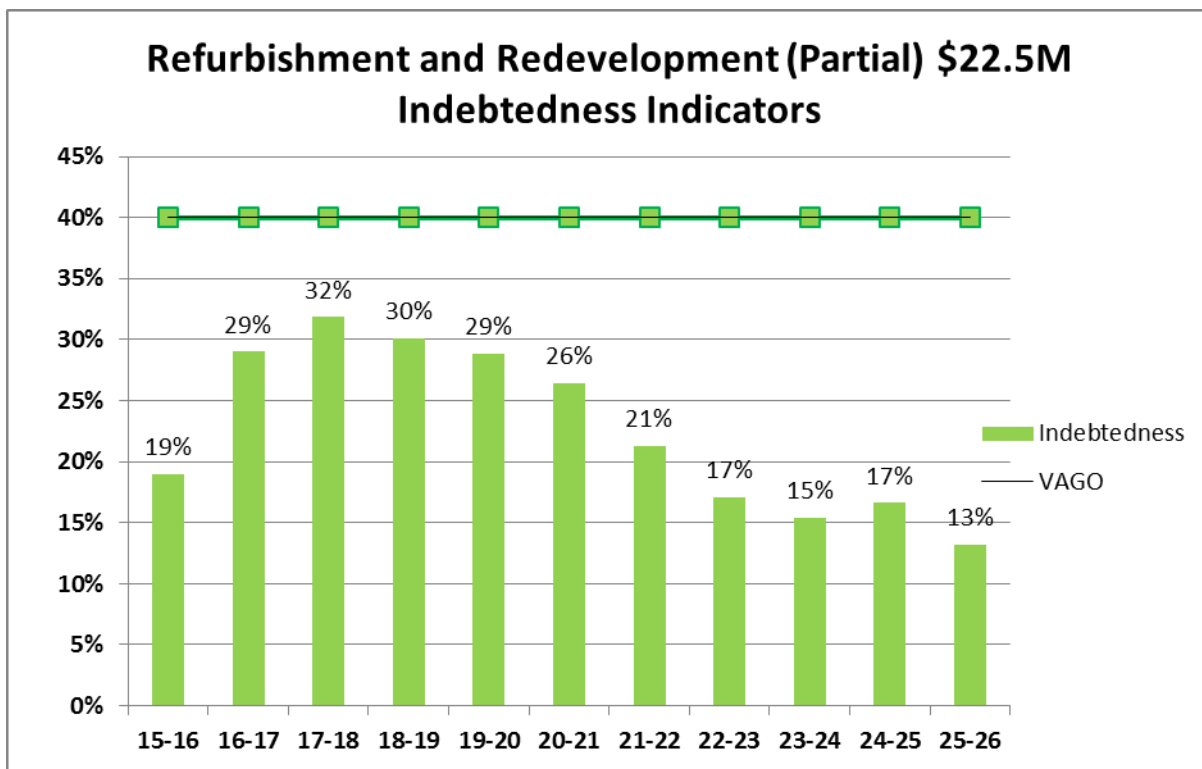
The current estimates from the Quantity Surveyors, Wilde & Woollard have determined that with base refurbishment, approximately \$5.4 million of the works would be renewal works, and therefore, Council's current asset renewal reserve fund budget could be utilised as a funding source. This would release \$5.4 million of budget for reallocation in the capital program, because not all of the \$18.3 million budget would be required.

Option 2: Refurbishment and Redevelopment (Partial) for \$22.5m

The current cost for a partial refurbishment is \$22.5 million. As mentioned earlier, the current funds available for the project are \$17 million in 2015-16 and \$1.3 million in 2017-18.

The estimates from the Quantity Surveyors, Wilde & Woollard have determined that with partial refurbishment, approximately \$4.2 million of the works would be renewal works, and therefore, Council's current asset renewal reserve fund budget should be utilised as a funding source.

This would mean no further budget or borrowings would be required for partial refurbishment, and Council's VAGO financial sustainability indicators for indebtedness would remain at the levels forecast in the budgeted 2016-17 long term financial plan:



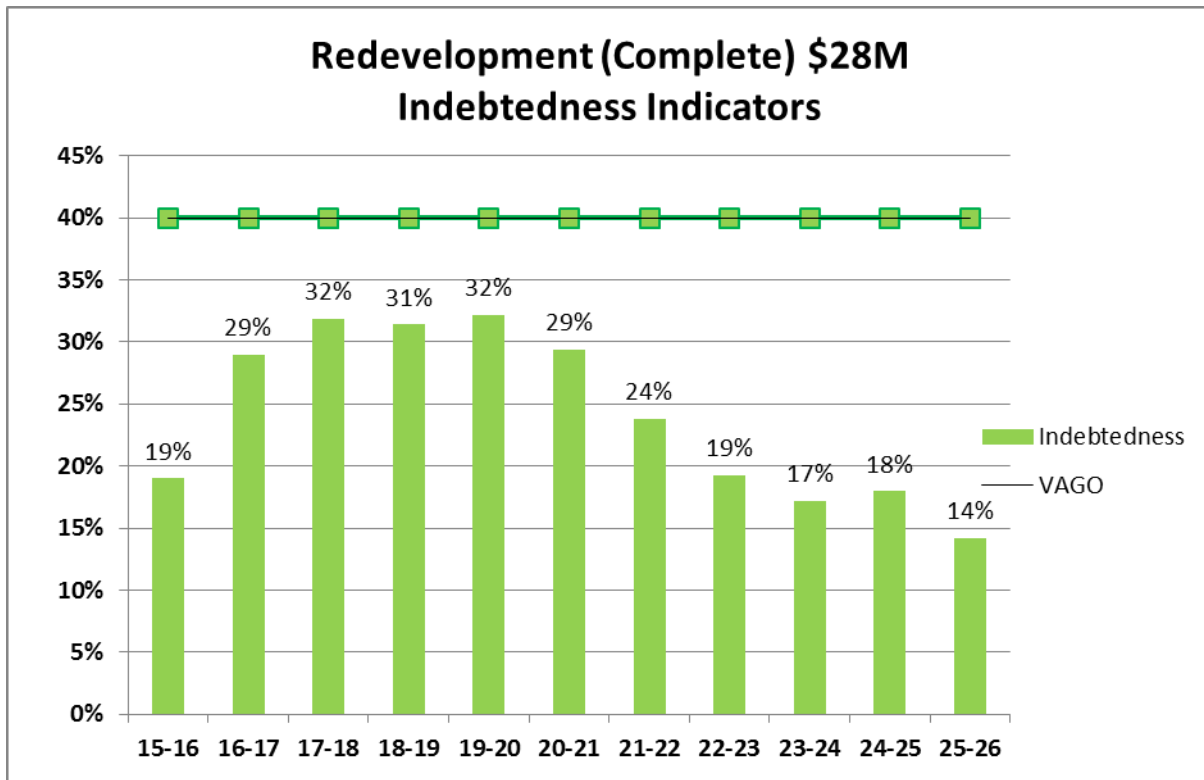
Option 3: Redevelopment (Complete) for \$28m

The current cost for the complete redevelopment is \$28 million. As mentioned earlier, the current funds available for the project are \$17 million in 2015-16 and \$1.3 million in 2017-18.

The estimates from the Quantity Surveyors, Wilde & Woollard have determined that with a redevelopment, approximately \$3.8 million of the works would be renewal works, and therefore, Council's current asset renewal reserve fund budget should be utilised as a funding source.

This would mean a small amount of additional borrowings would be required for a redevelopment. Utilising the \$3.8 million of asset renewal reserve fund in 2018-19 would mean borrowings of 2.2 million would be required in 2018-19, and then an additional \$3.7 million in 2019-20.

The VAGO indebtedness indicators would then change slightly to these percentages:



The current long term financial plan positions Council well within VAGO's low risk indebtedness tolerances and the modest additional borrowings recommended in this report will allow this to be maintained with no impact on services, the proposed capital works program or on property rates.

Financial Recommendation

A complete redevelopment is recommended as it delivers the best value for money, addresses all of the safety and legislative risk issues currently being experienced within the building, as well as delivering on the efficiencies of the organisation's contemporary workplace strategy.

In relation to the capital works program, a complete redevelopment is also recommended for the following reasons:

- There is no impact on the program.
- Additional scope remains for new projects (\$22.8 million of unallocated funds remain available in the Future Community Fund).
- Asset sales will also continue to contribute to the Future Community Fund, as no provision is provided for or relied upon in the financial plan for revenue from redundant asset sales.
- The State Government's Interface Growth Fund will potentially be recurring (\$50M across the interface Councils each year), enabling other new community projects to be delivered across the municipality. No allowance is included in the financial plan for that funding in future years and will therefore be an additional funding source.

- Extending the closure of the asset renewal gap from 10 to 15 years will deliver an additional \$7.8M (including \$1.5M from Asset Renewal and Replacement Fund) to the program.
- Carry forwards funds of uncompleted projects will decrease projected future borrowings which would reduce the indebtedness ratios. This reflects our experience each year in recent times.

KEY ISSUES

Environmental Impacts

By reusing and extending the existing building, substantial environmental impacts both onsite (disturbance of soil and vegetation) and further afield (demolition waste to landfill, embodied energy of new building materials), will be minimised or eliminated all together.

This project will establish an overall building design that makes full use of onsite renewable energy and rainwater to maximise environmental benefits throughout the life of the development. The building will enable a 90% reduction in greenhouse emissions (CO₂-e) from the business functions it accommodates, achieving 15% of the savings required to meet Council's 2020 target.

By reducing reliance on grid electricity, eliminating natural gas demand, and harvesting rainwater for non-potable uses, the building will embody and demonstrate Council's commitment to environmental stewardship.

Social Impacts

The Community Infrastructure Assessment undertaken in 2013 for Lilydale identifies a need for multi-purpose rooms that can be used by various community groups for meetings and events. The newly developed community hubs in Kilsyth and Chirnside Park go part way to meeting the demand, with additional facilities to be ideally located in Lilydale.

In line with the key objectives of the project all three development proposals provide capacity for additional civic and community meeting/function space. This key element of the project is to create a "sense of civic" that includes modern multi purpose function / meeting spaces that deliver a high utilisation rate and supports a range of uses for the community. For example, extended access to these facilities for the community on evenings and weekends for various small and large groups will contribute to addressing the current deficiency of this type of space in the Lilydale area.

Economic Impacts

The Economic Development Unit has evaluated the economic impacts of the proposal using REMPLAN modelling.

Based on a direct investment of \$28 million, the development would generate an estimated \$25.209 million flow-on effect for goods and services within the local economy. This direct investment has been estimated to create 69 new jobs, for which a proportion of these wages and salaries would be spent on consumption in the local economy.

Having regard to the multiple rounds of flow on-effects through purchases of local goods and services, and increase in associated wages and salaries, total output including all direct, industrial and consumption effects is estimated to increase by up to \$60.219 million. Total employment, including all direct, industrial and consumption effects is estimated to increase by up to 174 jobs.

Risk Assessment

A project of this complexity presents various elements of risk. A detailed project specific risk register has been established to manage and mitigate risks that are associated with the main elements of this project. This includes consideration of behavioural, cultural, physical, environmental, communication and political risks that the project may encounter.

CONCLUSION

It is recommended that Council endorse Option 3 - the complete redevelopment of the Anderson Street Council Offices as it achieves all of the project objectives and represents the best long term value for money investment for Council and the Community.

ATTACHMENTS

Nil

7.9 MOU – Eastern Alliance for Greenhouse Action

RESPONSIBLE OFFICER Acting Manager Strategy & Sustainability

SUMMARY

Eastern Alliance for Greenhouse Action (EAGA) was formed in 2008 to drive environmental sustainability initiatives in a coordinated manner in the eastern region.

After a successful 4 years, the Alliance is seeking endorsement of a 12 month Memorandum of Understanding that will align its next 4 year period with the electoral cycle of member councils.

RECOMMENDATION

That

- 1. Council endorse the attached EAGA 2016-17 Memorandum Of Understanding and Terms of Reference.*
- 2. The Memorandum Of Understanding be signed and sealed.*

PROPOSAL

That Council reviews and endorsed the EAGA 2016-17 Memorandum of Understanding and Terms of Reference to allow Yarra Ranges to continue benefitting from membership of the Eastern Alliance for Greenhouse Action.

BACKGROUND

The Eastern Alliance for Greenhouse Action (EAGA) was formed in 2008 in response to community concerns about climate change and a desire to drive environmental sustainability initiatives in a coordinated manner in the eastern region.

In 2012, EAGA's seven member councils signed the first MOU for the 1 July 2012 to 30 June 2016 period. A dedicated staff resource was appointed in 2013 (hosted at Maroondah City Council) and EAGA's governance structure (including an Executive and Steering Committee) was established in the same year.

Over the 2012-16 period, the Alliance implemented a range of high profile regional climate change initiatives delivering financial and greenhouse gas savings to members and their respective communities.

Key benefits of EAGA membership include:

- Access to a shared officer (EAGA Regional Coordinator) to supplement internal staff resources
- Capture economies of scale and efficiencies through the delivery of cross municipal initiatives typically beyond the reach of individual councils
- Deliver emission reduction projects that have a demonstrable return on investment for member councils and the region's communities
- Utilise scale and reputation to collectively advocate for initiatives that promote sustainability and low carbon communities at state and federal government levels

Outcomes to date (2012-15):

- Project savings and grant income exceeding \$750,000 generating an average return of \$2.49 for every dollar invested
- Submission of 10 formal advocacy submissions to key federal and state formal consultation processes, many of which would not have occurred in the absence of a regional response
- Completion of a Climate Change Adaptation Roadmap identifying regional opportunities for addressing climate risks to council assets, operations and service delivery responsibilities
- Facilitation of key negotiations on operation and maintenance charges for street lights with Ausnet Services, resulting in over \$6M savings for the region's councils over the next 20 years
- Assisted 1,439 households to reduce emissions and save money through energy efficiency retrofits through the Live Green with LESS program

EAGA's Executive Committee carried a motion at its meeting of 16 March, 2016 to enter into a one year Memorandum of Understanding for the 2016/17 financial year and work towards a four year Memorandum of Understanding coinciding with the next electoral cycle. The attached EAGA Membership Prospectus provides an outline of the Alliance's achievements to date, and anticipated projects over coming years.

STRATEGIC LINKS

Active membership of EAGA allows Yarra Ranges to leverage regional resources towards achievement of numerous Council strategies including:

- Environment Strategy (2015 – 2025)
- Adapting to a Changing Climate and Energy Future Strategy (2010)
- Resource Management Strategy (2007)

CONSULTATION

The 2016-17 Memorandum of Understanding was developed jointly by EAGA's Executive and Steering Committees, comprising Councillors, senior management and operational representatives from all seven member councils. The most significant changes to EAGA's current 2012-16 Memorandum of Understanding include:

- An increased annual membership fee from \$17,500 to \$20,000 to cover salary and operating expenses. These fees are also informed by a comprehensive benchmarking process against other Greenhouse Alliances.
- Revised terms of reference to facilitate greater engagement between the two committees and enhanced decision making.
- Incorporation of the provisions within EAGA's current Operational Framework to provide greater clarity on committee rules and consolidate the number of governance documents.

FINANCIAL IMPLICATIONS

Each EAGA member will contribute a fee of \$20,000, payable in June/July 2016.

Council's Sustainability unit has a standing budget item for EAGA and is able to fund the proposed membership fee within its current budget.

There will be a review of membership contributions to consider the appropriateness of existing contributions against any changes to cost impediments (e.g. labour, projects etc.) before establishing a proposed annual membership fee for the next 4 year Memorandum of Understanding period.

KEY ISSUES

The purpose of this 12 month Memorandum of Understanding is to allow EAGA to align its membership with the 4 year electoral cycle of Local Government.

Environmental Impacts

There are no additional environmental impacts arising from the adoption of this MOU.

Social Impacts

There are no additional social impacts arising from the adoption of this MOU.

Economic Impacts

There are no additional economic impacts arising from the adoption of this MOU.

Risk Assessment

The 2016-17 Memorandum of Understanding is based on an independently reviewed Memorandum of Understanding from 2012. Before signing this original Memorandum of Understanding, the Sustainability unit sought independent advice to ensure it met with Council's governance and risk management requirements.

CONCLUSION

Since 2012, membership of EAGA has allowed Yarra Ranges to leverage regional resources towards achieving a number of strategic local objectives. In order to facilitate alignment of the next 4 year Memorandum of Understanding period with Council electoral cycles, a 12 month Memorandum of Understanding has been created that will carry the alliance through to end June 2017. This interim Memorandum of Understanding is currently going before all seven member Councils for endorsement.

ATTACHMENTS

- 1 EAGA MOU 2016-17
- 2 EAGA Membership Prospectus

7.10 Yarra Valley Trail

RESPONSIBLE OFFICER Director Environment & Engineering

SUMMARY

The Yarra Valley Trail is a priority trail route project in the Hike and Bike Plan 2005. The Yarra Valley Trail preferred route is:

- Stage 1 – Lilydale to Yarra Glen via a rail trail
- Stage 2 – Yarra Glen to Healesville via a shared use path off road within the road reservation
- Stage 3 – Healesville to Warburton via a Coranderrk Aqueduct trail.

A Feasibility Study (Attachment 1) has now been drafted following a 4 month planning process involving policy review, demand assessment, site analysis, engagement process including survey and interviews and design process.

The Feasibility Study proposes a preferred option for the trail alignment. The probable total project cost is \$10.6M.

The project is projected to attract over 210,040 people annually and generate 222 new jobs and over \$30M for the local economy.

There has been consultation with interest groups and relevant Land Managers including VicTrack, VicRoads and Melbourne Water regarding each section of the trail. Land Managers have provided “in principle support”. The Feasibility Study reports on the outcomes of these discussions, including planning approval steps.

This project is attractive for recently announced Federal and State Government funding programs. These programs require the project to be shovel-ready. Funding for the full design of the trail is recommended as a next step, now the Feasibility Study is completed.

RECOMMENDATION

That

1. ***Council release the Yarra Valley Trail Feasibility Study for an eight (8) week public comment period.***
2. ***Council allocate \$550,000 to progress detailed design of the Yarra Valley Trail from unallocated funding within the Future Community Projects Implementation program within the Capital Expenditure Program.***
3. ***Council formally write to VicTrack seeking a response to the License request for rail trail use of the Lilydale to Yarra Glen railway reserve.***

PROPOSAL

Council release the Feasibility Study for an eight (8) week public comment period. Council officers report on the feedback from the public comment period and seek the study's adoption.

Council allocates \$550,000 from unallocated funding within the Future Community Projects Implementation program within the Capital Expenditure Program to progress with the detailed design the Yarra Valley Trail. This process will position the project to become "shovel ready":

Council prioritises advocacy for external investment into the Yarra Valley Trail, using the Feasibility Study as a key advocacy document.

Council formally write to VicTrack seeking a response to the License request for rail trail use of the Lilydale to Yarra Glen railway reserve, to inform design and planning approvals process.

BACKGROUND

The 40km Yarra Valley Trail is ready to be transformed into a rail trail, road reserve cycling route and aqueduct trail.

The Yarra Valley Trail will wind its way around the undulating Yarra Valley countryside and through the Yarra Ranges National Park to connect with the iconic Lilydale to Warburton Rail Trail. The trail will encompass spectacular vistas of Christmas Hills and the Dandenong Ranges providing a unique recreation and cultural experience for the local community and visitors to the region.

Located on the outskirts of Melbourne, the Yarra Valley Trail will be directly accessed via either a short drive or directly from the Lilydale train line. There is no need for a car and the trail will provide a convenient day trip to the Yarra Valley and Dandenong Ranges and its well-established wineries and food destinations, significant National and State Parks and the Healesville Sanctuary Zoo, considered a major tourist destination for visitors to Victoria.

The Yarra Valley Trail will connect the local townships located between Lilydale, Yarra Glen, Healesville and Warburton and with the popularity of walking, jogging and cycling in natural areas increasing, people in these communities will be encouraged to lead healthy and active lifestyles.

A map outlining stages for the Yarra Valley Trail is shown on page 4 of the attached feasibility document. The Yarra Valley Trail proposal is a three stage project:

- Stage 1 – Lilydale to Yarra Glen Rail Trail (12km)
- Stage 2 – Shared use path within the Healesville to Yarra Glen Road reservation (13km)
- Stage 3 – Healesville to Warburton via the Coranderrk Aqueduct Trail and Koo Wee Rup Road (15km).

STRATEGIC LINKS

The Yarra Valley Trail is a current priority trail route project in the adopted Hike and Bike Plan 2005. Council is presently undertaking a review of the Hike and Bike Plan. The outcomes of this review will prioritise funding for future trails, footpaths and on road cycling routes.

The Yarra Valley Trail Feasibility Study has been conducted concurrently with this review and has benefited from the research and participation data collected for the Hike and Bike Plan.

The feasibility study reports on the social, economic and environmental benefits of the proposal, identifies the trail alignment, design and capital costs (capital and recurrent), and reports on the required approvals and next steps to proceed with the project.

CONSULTATION

Engagement has been undertaken over the last 10 years on the Yarra Valley Trail with key stakeholders. This engagement has been in the form of feasibility studies and regular meetings on the Lilydale to Yarra Glen Rail Trail proposal.

Recent engagement with relevant land owners / managers have established current positions on the Yarra Valley Trail and informed the design and planning approval sections of this Feasibility Study.

Key findings

- 1223 responses to the Yarra Valley Trail survey with 98% of respondents supporting the proposal. 44% were from Yarra Ranges Council residents.
- 72 businesses wrote in support of the Yarra Valley Trail project.
- In principle support from interest groups and Land Managers including Yarra Ranges Council, Yarra Valley Railway, VicTrack, VicRoads and Melbourne Water was received for the Yarra Valley Trail.
- VicTrack is currently reviewing Council's formal license request and has referred the request to Public Transport Victoria seeking advice. Council continues to seek a formal response to this request and unfortunately cannot report on this as part of this Feasibility Study.
- VicRoads supports the use of the road reservations for a shared use path off road along both Healesville to Yarra Glen Road and Koo Wee Rup Road. They request to be part of the detailed design process and noted the requirement for fauna, flora and native vegetation assessments.
- Melbourne Water supports the use of Coranderrk Aqueduct for a shared use path, however not whilst still operational in transporting Melbourne's drinking water from Badger Weir to Sugarloaf Reservoir. Diverting water from Badger Weir to Maroondah Reservoir is planned for 5 years time. Once achieved, the aqueduct will be available for the Yarra Valley Trail.

FINANCIAL IMPLICATIONS

The total costs of the project are estimated at \$10,654,000.

The preferred route involves:

- Stage 1: Lilydale to Yarra Glen Rail Trail
- Stage 2: Shared use path on the Healesville to Yarra Glen Road reservation
- Stage 3 Coranderrk Aqueduct Trail.

The estimated cost of the detailed design is \$550,000. It is proposed that this be funded from unallocated funding within the Future Community Projects Implementation program within the Capital Expenditure Program.

There are potential savings of \$910,000 identified in the report. These savings proposals will be considered in the detailed design stage.

The annual maintenance and renewal cost of the Yarra Valley Trail is estimated at \$503,000.

There is a mix of revenue generating methods that will be considered in funding the project, including in establishing a sustainable business model.

Grants will be the primary source of funding the planning, design and capital construction costs of the Yarra Valley Trail.

Other revenue raising methods are discussed in the Feasibility Study. These measures will offset the annual operational and maintenance costs.

It is recommended that Council fund the balance of operational and maintenance costs, following the implementation of the sustainable business model.

KEY ISSUES

The design report has explored all options for the Yarra Valley Trail alignment and includes design specifications for the trail surface, bridges and culverts, on road and crossings treatments. The report outlines a preferred route and costs.

The preferred route is:

- Stage 1 via the Lilydale to Yarra Glen railway reserve with the construction of a rail trail to the recently constructed Yarra Glen Historic Railway Station
- Stage 2 via a shared use path in the Yarra Glen to Healesville Hwy reservation and improving an existing footpath through the Healesville Township
- Stage 3 via the Coranderrk Aqueduct and connecting with Yarra Bridge Reserve down Timberline Rd and onto the Lilydale to Warburton Rail Trail in Woori Yallock. This option is considered the long term option due to access not being granted by Melbourne Water until the aqueduct is decommissioned, scheduled in 5 years.

All options cross land tenures and require planning approvals from VicTrack, VicRoads and Melbourne Water. All land managers have provided “in principle support” for the project and provided advice on next steps to proceed with the Yarra Valley Trail.

Environmental Impacts

The trail will protect the old railway reserve and its cultural heritage whilst being an important ecological corridor from Lilydale to Yarra Glen to Healesville to Warburton.

The Feasibility Study has highlighted the need to conduct fauna, flora and native vegetation assessments to support the detailed design stage.

The Yarra Valley Trail is identified as a key active transport link that will encourage more people to ride a bike between major townships and tourism destinations than drive a car, reducing CO2 emissions.

Social Impacts

Key social impact of the Feasibility Study:

- The Yarra Valley Trail will attract an estimated 210,040 visits annually.
- A conservative six (6) events will be hosted on the Yarra Valley Trail attracting over 9700 participants annually.
- 97% of respondents to the survey identified that they would use the Yarra Valley Trail for health and fitness, whilst 70% identified that it would be good for family gathering.
- The catchment of the Yarra Valley Trail is within 2 hours of the Yarra Valley including 4 million people and major metropolitan and regional population centres.

Economic Impacts

The Yarra Valley Trail Link will enable trail users to break their trip to access nearby experiences. As such the project has the capacity to add value to these existing tourism attractions and community events by providing an effective link between Lilydale, Yarra Glen, Healesville and Warburton.

The link will connect major tourist destinations including food and wine in the Yarra Valley, Healesville Sanctuary Zoo and the Warburton Mountain Bike Destination.

Key economic impacts of the Feasibility Study:

- The Yarra Valley Trail will generate approximately \$30,317,188 economic benefit and 222 jobs
- Annually, over \$872,000 will be generated from mass participation events hosted on the Yarra Valley Trail annually
- 72 businesses are in support of the proposal within the region. There is an appetite for business to support and benefit from the trail. A tour operator has recently

registered a business on the back of this Feasibility Study to run bike tours and a shuttle service.

Risk Assessment

If Council does not proceed with the detailed design, the project is unlikely to meet current funding criteria for State and Federal Government funding programs.

There is a risk to Council's investment of proceeding with the detailed design process without VicTrack's response to the License application request.

CONCLUSION

The 40km Yarra Valley Trail will connect major tourist towns and destinations in the Yarra Valley and Dandenong Ranges. The trail will also connect with the iconic Lilydale to Warburton Rail Trail creating an 80km loop circuit that connects with the Lilydale Station and Carrum to Warburton Trail.

The next step for the project is to seek public comment and adopt the Feasibility Study.

A detailed design is a required next step to seek funding support for the project.

The Feasibility Study is a key advocacy document for future funding approaches to Government and private investors.

ATTACHMENTS

- 1 Yarra Valley Trail Feasibility Study

8. COUNCILLOR MOTIONS

Nil

9. ITEMS RAISED THROUGH THE CHAIR

10. PETITIONS

In accordance with Clause 83 of Meeting Procedures and Use of Common Seal Local Law 2015

The following petitions have been received:

1. Request Council to prepare a Special Charge Scheme for the construction (sealing) of Breen Terrace, Myrtle Road and Clarke Road, Ferny Creek.

RECOMMENDATION

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

1. *Request Council to prepare a Special Charge Scheme for the construction (sealing) of Breen Terrace, Myrtle Road and Clarke Road, Ferny Creek.*

11. DOCUMENTS FOR SIGNING AND SEALING

Nil

12. ASSEMBLIES OF COUNCILLORS

The Local Government Act 1989 requires that records of Assemblies of Councillors must be kept which list the Councillors attending, the matter discussed, disclosures of conflict of interest and whether or not a Councillor left the meeting after making a disclosure.

An 'Assembly of Councillors' is defined under s3(1) of the *Local Government Act 1989* as a meeting at which matters are considered that are intended or likely to be the subject of a Council Decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present.
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer.

The *Local Government Act 1989* also requires that the record of an assembly must be reported to the next practicable ordinary Council Meeting and recorded in the minutes of that meeting.

The records for Assemblies of Councillors are attached to the report.

RECOMMENDATION

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

- 1 05 April 2016 - Council Briefing***
- 2 05 April 2016 - Forum Briefing***

Assembly of Councillors

Public Record



Meeting Name:	Council Briefing	
Date:	5 April 2016	Start Time: 6:05pm Finish Time: 6.33pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale	
Attendees:	<p>Councillors: Jason Callanan, Jim Child, Mike Clarke, Maria McCarthy & Andrew Witlox</p> <p>CEO/Directors: Glenn Patterson, Mark Varmalis, Ali Wastie & Troy Edwards</p> <p>Other Attendees: Angus McGuckian, Jacqui Hansen, Moulisa Sahai</p>	
Apologies	Cr Fiona McAllister, Cr Terry Avery, Cr Len Cox, Cr Noel Cliff	
Declarations of Interest:	Glenn Patterson (CEO) declared an indirect interest in Item 7.6 due to a Conflict of Duty and left the Chamber during discussion.	
Matter/s Discussed:	7.1	Planning Application YR-2015/370 - 2 Cole Avenue (Lot 1 on TP89592), Belgrave - Two Lot Subdivision and Associated Vegetation Removal
	7.2	Planning Application YR-2014/1199 - 17-25 Maroondah Highway (Lots 1 2 & 3 LP44328) Healesville
	7.3	Adoption of the Coldstream Structure Plan
	7.4	Adoption of Planning Scheme Amendment C153
	7.5	Small Grants Program
	7.6	Yarra Ranges Tourism Partnering Agreement
	7.7	Mid Year Report – July to December 2015
	7.8	Naturestrip and Roadside Guidelines
	7.9	West Hill Drive and Part George Street, Mount Evelyn – Declaration of Special Charge
	7.10	Lease to Chirnside Park Community Centre Inc
Completed By:	Shannon Woodward	

Assembly of Councillors

Public Record



Meeting Name:	Forum	
Date:	5 April 2016	Start Time: 7:00pm Finish Time: 9:35pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale	
Attendees:	<p>Councillors: Jason Callanan, Jim Child, Mike Clarke, Maria McCarthy, Andrew Witlox, Noel Cliff (from 8:28pm), Len Cox (from 8:28pm).</p> <p>CEO/Directors: Glenn Patterson, Mark Varmalis, Ali Wastie & Troy Edwards</p> <p>Other Attendees: Isha Scott, Hannah Skehan, James Collins, Tania Asper, John Stevens (Dench McClean Carlson P/L), Peter Wright, Bob Mason, Tony McGann, Kym Saunders, Damian Closs, Kris Hansen, Tracey Varley, Shannon Woodward</p>	
Apologies	Cr Fiona McAllister, Cr Terry Avery	
Declarations of Interest:	Nil	
Matter/s Discussed:	1.1	Action & Agreement Record from Previous Meeting
	1.2	Proposed Great Forest National Park
	1.3	Grants for Community Initiation Report 2017
	1.4	S84Y Agreement with Vets
	1.5	Jack Hort Swimming Pool Healesville Update
	1.6	Code of Environmental Practice
	1.7	Proposed Monbulk Structure Plan and Sequencing of Township Structure Planning
	1.8	MAV State Council & ALGA National General Assembly - Call for Motions
	2.1	Capital Works Program Monthly Report - February 2016
	2.2	Major Projects Monthly Report - end February 2016
	2.3	Monthly Reports of Completed & Outstanding Forum Actions
	2.4	Indicative Forum & Council Schedule
	2.5	Mayor & CEO Updates
Completed By:	Shannon Woodward	

13. REPORTS FROM DELEGATES

14. CONFIDENTIAL ITEMS

RECOMMENDATION

That in accordance with section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 89(2), as specified below.

14.1 Contract Approval and Variations Report for March 2016

Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

15. DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Tuesday 10 May 2016 commencing at 7:00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale.

16. CLOSED COUNCIL



CODE OF ETHICS FOR COUNCILLORS

In providing for the good governance of its community, the Yarra Ranges Council has adopted the following Code of Ethics. It applies to all Councillors to ensure that 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 will always represent the opinion or position of Council when speaking publicly;*
4. *Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Donation 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; and*
8. *Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.*

This Code forms part of the Code of Conduct for Councillors, adopted on 28 May 2013. The Code of Conduct will be reviewed following each Council Election.