



# **KNOX CITY COUNCIL MINUTES**

## **STRATEGIC PLANNING COMMITTEE**

Meeting held  
at the Civic Centre,  
511 Burwood Highway  
Wantirna South  
on  
Monday, 13 November 2017

## Meeting Opened at 7.00pm

### **Present**

<i>Cr J Mortimore (Mayor &amp; Chairperson)</i>	<i>Chandler Ward</i>
<i>Cr J Keogh (Deputy Mayor)</i>	<i>Dobson Ward</i>
<i>Cr P Lockwood</i>	<i>Baird Ward</i>
<i>Cr J Taylor</i>	<i>Collier Ward</i>
<i>Cr A Gill</i>	<i>Dinsdale Ward</i>
<i>Cr T Holland</i>	<i>Friberg Ward</i>
<i>Cr L Cooper</i>	<i>Scott Ward</i>
<i>Cr D Pearce</i>	<i>Taylor Ward</i>
<i>Cr N Seymour</i>	<i>Tirhatuan Ward</i>
<i>Mr T Doyle</i>	<i>Chief Executive Officer</i>
<i>Mr Ian Bell</i>	<i>Engineering &amp; Infrastructure</i>
<i>Mr A Kourambas</i>	<i>Director - City Development</i>
<i>Mr M Fromberg</i>	<i>Director – Corporate Development</i>
<i>Ms K Stubbings</i>	<i>Director – Community Services</i>
<i>Mr R McKail</i>	<i>Governance Advisor</i>

### **Apologies**

*Nil.*

### **Declarations of Conflict of Interest**

*Nil.*

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**ALL WARDS****1. EASTERN REGIONAL GROUP OF COUNCILS (ERG) GOVERNANCE AND DRAFT STRATEGIC PLAN 2018 - 2020**

**SUMMARY:** *Tony Doyle (Chief Executive Officer)*

*This report outlines the work undertaken by the member Councils of the ERG in relation to:*

- a. Considering enhanced ERG governance arrangements with the intention of achieving more formalised, purposeful and impactful leverage as a distinct regional voice on matters of common significance, importance and priority for the communities of the eastern metropolitan region; and*
- b. Identifying and nominating priority actions (strategic projects, issues and advocacy) for inclusion in the development of an ERG 3-year strategic plan.*

**RECOMMENDATION**

That Council, as a member of the eastern regional group, endorse and approve:

1. The proposed ERG governance arrangement in the form outlined in Section 3.4 of this report.
2. The proposed Council member annual financial commitment of \$30,000 to the ERG.
3. The draft ERG Strategic Plan 2018–2020 as detailed in Confidential Attachment 2 of this report.
4. The Council's Chief Executive Officer being authorised to oversee and agree the ERG formal agreement between member councils.

**1. INTRODUCTION**

Councils in the eastern area of Melbourne have worked collectively over many years to advocate on behalf of their communities. To date the ERG has operated as an informal issues-based forum, managed by bi-monthly meetings of Mayors and CEOs, where meeting locations and Chair rotate between each member Council.

The eastern councils have had a strong voice and been able to influence policy matters on a range of issues including planning, service funding, transport, infrastructure, affordable housing, and climate change. Examples of this are seen in the work of the ERG as well as the Eastern Transport Coalition (ETC), Eastern Alliance for Greenhouse Action (EAGA) and Eastern Affordable Housing Alliance (EAHA).

## **1. Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)**

In recent years the need to respond collectively has increased in importance, particularly due to the changing policy environment in the state and federal spheres, the emphasis on regional planning platforms across a range of portfolio areas as well as pressure on resources and the changing expectations of our communities.

More recent activities including the state government review of the Local Government Act, the MAV Act and the introduction of rate capping legislation are added imperatives for the region to strengthen its collective effort.

This report considers the response and deliberations of ERG Councils to the proposition that it is timely to establish more formal arrangements that strengthen the partnership and coordination across the eastern group of councils. It further considers the development of a 3-year strategic plan for the region and enhanced governance arrangements to support its implementation.

## **2. DISCUSSION**

During 2014, a high-level piece of work to review existing ERG governance arrangements was commissioned and undertaken by Kay Rundle and Associates. This review work suggested that increased benefits would result from a more structured approach and that a formal governance structure would enable a co-ordinated and strategic response across a range of regional matters.

Kay Rundle's work further noted the extent of other groups operating in the east, including those financially resourced by member councils (EAHA, EAGA, ETC). She proffered that if these various groups formed parts of one whole structure on behalf of Melbourne's east, the net impact would increase the profile and advocacy strength available.

Resulting from this review, in 2015 the eastern region established secretariat resources to support the ERG as an agreed first step ahead of more structured arrangements. To this end, The Agenda Group was contracted to supply the ERG secretariat service and assist in the ERG's collective work. The Agenda Group engagement as a secretariat service to the ERG is due to conclude in December 2017.

The current regional environment is also becoming crowded with bodies beyond local government. The Victorian Planning Authority (VPA) has recently been established which will have a key role in land use planning. It is unclear at this stage what role the VPA will have in a regional context. Other relevant developments include the review of the Municipal Association Act and the Municipal Association of Victoria (MAV) review of its own rules which could impact its future structure and regional alignments.

## 1. **Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)**

Other changes at the regional level include the dropping of the Regional Management Forum (RMF) model and its replacement with a Metropolitan Partnerships arrangement introduced in June 2017. This change prompted the withdrawal of Boroondara Council from the eastern regional group, resulting in the current ERG membership of six councils being aligned with the Metropolitan Partnership region.

Based on the experience over the last 2 years in having an engaged independent secretariat resource to support co-ordination and administration of ERG work, the group has identified the following key benefits and outcomes that can further flow from an enhanced regional approach:

### *Improved visibility*

Developing a strong “regional” presence with a united view helps ensure that ERG issues are more visible and clear to other levels of government on behalf of our communities

### *Improved advocacy*

Responding to escalating pressure for councils to advocate effectively on behalf of their communities and to achieve more meaningful influence over other levels of government that control most of the resources which enable our communities to function. It is vital that within a strategic and planned context that the region agree a set of advocacy priorities.

### *Integrated Planning*

Enhancing the currently limited capacity to consider and pursue collaborative resource planning across our boundaries. A more enabling environment for exploiting integrated planning and/or service development opportunities would augment the region’s potential to attract greater external funding and achieve better community outcomes.

### *Simplified Connection to State and Federal Government*

The complexity of demands from other levels of government can be more ably facilitated by a more coordinated approach. A single-entry point into our region would strengthen our capacity to respond to change at other levels of government and improve the advocacy and planning elements.

### *Improved performance opportunities*

The potential for councils to work collectively at an operational level can be harnessed more readily within an accepted regional model allowing for the assessment of economies of scale and productivity opportunities. The current process of review of the Local Government Act also opens opportunities which the eastern region may be able to pursue, including establishing a more structured approach around shared services delivery and the potential to progress entrepreneurial initiatives.

## **1. Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)**

### **3. CONSULTATION**

#### **3.1 ERG Workshop of 12 July 2017 – Proposition Testing for the 2018-2020 Strategic Plan**

At the request of the Mayors of the member Councils, Councillors and Chief Executives were invited to participate in an ERG workshop held on 12 July 2017. The core purpose of the workshop was to test the collective appetite of ERG councils to progress more formalised, purposeful and impactful leverage as a recognised and distinct regional voice on matters of common significance, importance and priority for the communities of the eastern metropolitan region.

A total of 28 workshop participants from the six councils of the ERG, comprising 22 Councillors (including 4 Mayors and 2 Deputy Mayors), with 5 Chief Executives and 1 Acting Chief Executive, explored the question of whether there is a will to augment the positioning and standing of the ERG in terms of exploiting regional leverage with the objective of:

- achieving better community outcomes in a high demand environment; and
- improving service efficiency and effectiveness in a constrained environment.

The workshop was independently facilitated by Andrew Hollo of WorkWell Consulting. A record of the workshop proceedings was captured by independent consultant Joe Carbone (former Chief Executive Officer of Manningham City Council) who has been engaged to compile a Proposition Document and the drafting of the 3 Year ERG Strategic Plan for consideration.

In summary, the Workshop process established that there was broad willingness for the ERG to explore collaborative approaches that augment regional leverage as a “cumulative motive force”, whilst preserving the independence of participating entities to use their own motive force and elect those issues on which they believe they have substantial common interest.

The workshop proceedings reflected a cautiously positive position on the proposition of progressing more formalised, purposeful and impactful leverage on issues of common interest and importance for most, if not all councils.

In reaching this position, the workshop determined some objective guidelines around which future approaches in support of collaboration and joint advocacy should be based. The objective guidelines and expressed organisational tenet for the ERG going forward were collated and are reflected in the Proposition Document appended to this report at Attachment 1.

## 1. **Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)**

The Proposition Document outlines a basis for future ERG efforts, guided by a framework of desired goals, success factors (positive conditions) and cautions (avoidance of negative conditions).

### 3.2 **Development of Draft ERG 3 Year Strategic Plan (2018-2020): Selection of Strategic Projects/Issues**

Using the Proposition Document guidelines, strategic projects and issues have been identified and nominated for the development of the draft ERG 2018-2020 Strategic Plan.

The selected strategic projects/issues incorporated in the draft ERG 2018-2020 Strategic Plan align with the guiding framework of desired goals, success factors and cautions expressed in the ERG Proposition Document as follows:

1. Contribute to the goal of **creating a recognised multi-council future vision** by exploiting the opportunity to achieve greater “net community benefit” across the region from improved returns on capital and/or service effectiveness, including enhanced likelihood of attracting greater external funding;
2. Support the goal of **whole region integrated planning** which facilitates opportunities to:
  - a) pursue advantageous planning across municipal boundaries covering the dimensions of social and/or infrastructure planning on a regional level;
  - b) exploit possible advantages of:
    - i. Pooled resourcing (specialist staff)
    - ii. Information sharing and common systems development
    - iii. Joint research effort
    - iv. Developing common operational tools and standards
    - v. Aligning work with existing plans and groups that are already making progress across municipal boundaries
  - vi. Strengthen external advocacy and **promotion of an ERG single identified voice** for the region;
  - vii. Achieve **positive outcomes** for the benefit of the region and its communities that can be quantified and evaluated; and
  - viii. **Avoid** negative conditions such as **duplication**, “**relevance deprivation**” and **competing interests** between councils.



## 1. Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)

### Draft ERG 2018–2020 Strategic Plan

The framework of the developed draft ERG Strategic Plan is built around 3 core elements as set out in the table below:

Identity Positioning (I)	Strategic Directions (P + C)	Advocacy, Promotion, Marketing (A)
Commitment to a multi-Council future vision for the eastern metropolitan region that reflects the objectives and efforts of the chosen strategic directions of the ERG	Selected strategic projects/ issues to be progressed and supported > Integrated Planning (P) > Operational Collaboration (C)	Purposeful advocacy, promotion and marketing that is distinctly reflective of the multi-city vision of the eastern region and directly linked to the adopted Integrated Planning and Operational Collaboration agenda
↓ INFLUENCE	↓ REGIONAL LEVERAGE	↓ TARGETED ADVOCACY

Strategic Directions (P+C) shape the Identity (I) and Advocacy (A).  
Over time, (A) reinforces the (I).

Whilst the above strategic plan model represents the structured approach for the next recommended iteration of the ERG, it is also pertinent for the ERG to be continually and actively responsive to emerging sector issues of significance as they arise as has been past practice.

Collaborative monitoring and assessment of political, service and financial impacts of proposed public policy changes driven by State and/or Federal government as affects Local Government, particularly as may specifically impact the eastern region Councils, should continue to be under ongoing watch by the ERG. It is proffered that this needs to be a continuing core component of the ERG role and more particularly in the current environment where potential changes to MAV are yet to play out.

*This report recommends that the draft ERG Strategic Plan 2018–2020 appended at Confidential Attachment 2 be approved and adopted by Council as a member of the ERG. The ERG is to further refine the draft Strategic Plan in terms of assessing and agreeing the achievable work schedule for the three years.*

### 3.3 ERG relationship with existing regional groups functioning in the eastern metropolitan region

The significant work of the following 3 key regional issues based groups is recognised:

- Eastern Transport Coalition (ETC);
- Eastern Affordable Housing Alliance (EAHA); and
- Eastern Alliance for Greenhouse Action (EAGA)

## 1. **Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)**

These groups have been effective in their areas of focus but to date there has been no clear alignment between their operation and the ERG. The Rundle Report of May 2014 recommended the linking of these groups with the eastern metropolitan Mayors and CEOs forum similar to the way in which some other established regions work with subject matter sub-groups through formal structures e.g. G21, IMAP, NorthLink and LeadWest.

As an initial step towards testing and pursuing a clearer and more meaningful connection between the above groups and the ERG, a reporting relationship development approach is suggested which facilitates shared reporting as well as strategic alignment on agreed/common priorities. In so pursuing such a development path, there would be the opportunity to enhance and better co-ordinate the advocacy effort of the region.

The ERG councils currently commit funding and resources to the ETC, EAHA and EAGA as follows:

- ETC - \$8,000 annual fee plus \$14,000 for a 3-year advocacy campaign per member council. Current membership comprises all ERG councils plus Greater Dandenong.
- EAHA - \$7,000 p.a. per member council for a 0.4 EFT administrative resource. Current membership comprises all ERG councils.
- EAGA - \$20,000 p.a. per member council. Current membership comprises all ERG councils except Manningham, plus Boroondara, Stonnington and Glen Eira.

The financial commitment by member councils to the ERG is \$30,000 per council p.a. This funding is largely allocated to the contracted secretariat support service. The current secretariat service is provided by The Agenda Group, whose service contract expires in December 2017. For the last 3 years, ERG funding included the contribution of Boroondara Council which is now no longer part of the ERG.

Given the significant cumulative investment of eastern region councils in support of regional advocacy and political lobbying activity, it is imperative for the region to optimise such resources and energy through the opportunity of improved collaboration and integration of effort. The development path suggested in this report commences with the establishment of agreed reporting relationships between the key regional groups and the ERG. It is recommended that this development approach form part of the year 1 agenda of the ERG in collaboration with the ETC, EAGA and EAHA.

### 3.4 **ERG Governance**

The formal governance model proposed for the ERG is in the form of an Eastern Regional Group of Councils Agreement made pursuant to s. 193 of the *Local Government Act 1989*.

## **1. Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)**

In future, changes to the Local Government Act may provide some opportunities or alternate legal options that can be explored such as the Incorporated Associations Act and/or extended entrepreneurial provisions. The Local Government Act review may indeed reinforce the need for stronger regional partnerships of Councils.

Membership of the ERG is open to the six councils of the eastern metropolitan region of Melbourne comprising Knox, Manningham, Maroondah, Monash, Whitehorse and Yarra Ranges.

Each participating council would be an entity member of the ERG and would contribute financially towards the secretariat and administrative function of the ERG in overseeing the implementation of the adopted regional strategic plan.

Included in the role and function of the ERG is the development of appropriate reporting and working relationship links with existing regional groups i.e. ETC, EAGA and EAHA to ensure their alignment with the work and supported priorities of the region and their ongoing momentum in their focus areas.

The Mayor from each member council forms the overarching eastern region entity which is to be supported by secretariat support resources as well as a range of collaborative sub-committees established based on strategic need as determined in the adopted strategic regional plan.

The Mayors group would elect a chair who would preside over the ERG for that full year commencing in December of each year.

In addition to the membership of the Mayors, the ERG would also include membership of a further nominated Councillor from each member council. Council Chief Executives and the secretariat representative are ex-officio attending members of the ERG, thereby voting rights are held by Councillor members only.

It is envisaged that the ERG would meet bi-monthly to oversee the implementation of the adopted strategic plan. Chief Executive Officers would continue to ensure that key emerging issues affecting the local government sector are raised and addressed by the ERG.

In view of the current review of the Municipal Association of Victoria (MAV) Act, and in association with providing input to the further review processes underway by the MAV, the ERG will need to raise the question of MAV regional boundaries and their non-alignment with any existing state or federal boundaries.

**1. Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)**

Corporate service operational support provided to the ERG by any member council in terms of human resource management, financial operations, IT and/or office accommodation services is to be reimbursed at cost.

It is anticipated that Mayors and CEOs of the ERG would provide quarterly feedback to their respective councils on the progress of the ERG and status of strategic plan implementation.

**4. ENVIRONMENTAL/AMENITY ISSUES**

There are no direct environmental impacts from this report, however, greater regional coordination could drive better environmental outcomes for our community.

**5. FINANCIAL & ECONOMIC IMPLICATIONS**

The current financial commitment of member councils is approximately \$15,000. It is proposed that this will increase to \$30,000 per council per annum. The level of annual contribution per council would be subject to annual review and approval.

The primary direct resource to support the operation of the ERG is a secretariat that provides an executive officer function for meetings, communications and co-ordination of follow up ERG business.

As part of the implementation process of the ERG Strategic Plan 2018-2020, councils will deploy existing resources that are already committed to regionally based collaborative projects and activities. Opportunities will also emerge to consider the potential pooling of specialist resources across the region as well as joint resourcing of research efforts for greater mutual benefit to all member councils.

**6. SOCIAL IMPLICATIONS**

A strong and coordinated regional approach is likely to gain improved social outcomes for our community.

**7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report and proposed options for implementation aligns with all goals included in the Knox Community and Council Plan 2017-2021 by improving Council's effectiveness across a range of issues through being part of a strong regional voice.

## **1. Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020 (cont'd)**

### **8. CONCLUSION**

This report reflects a considered motivation on the part of the member councils of the ERG to augment its standing and positioning as a stronger, more identifiable and influential voice in the face of greater emphasis on regional planning platforms by state and federal government in a changing policy environment across a range of portfolio areas.

Essential to progressing the ERG from its current standing as an informal collegiate based issues forum, to a more formalised, purposeful and united representative body for the eastern metropolitan region of Melbourne, is the development and adoption of a formative 3-year strategic plan for the regional group.

In addition to recommending to Council that it approve and adopt the draft ERG 2018-2020 Strategic Plan developed in line with guidelines proposed from workshop consultation involving member councils, the report further recommends the approval of proposed formal ERG governance arrangements and Council financial commitment.

### **9. CONFIDENTIALITY**

Confidential Attachment 2 containing the draft ERG Strategic Plan 2018-2020 is attached to this report.

### **COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. LOCKWOOD**

**That Council, as a member of the eastern regional group, endorse and approve:**

- 1. The proposed ERG governance arrangement in the form outlined in Section 3.4 of this report.**
- 2. The proposed Council member annual financial commitment of \$30,000 to the ERG.**
- 3. The draft ERG Strategic Plan 2018–2020 as detailed in Confidential Attachment 2 of this report.**
- 4. The Council's Chief Executive Officer being authorised to oversee and agree the ERG formal agreement between member councils.**

**CARRIED**



8 August 2017

## ERG Proposition Document – Strategic Plan development guide

### Proposition Outline

1. There is broad willingness for ERG Councils to explore collaborative approaches that augment more formalised, purposeful and impactful leverage as a distinct regional voice on matters of common significance, importance and priority for the communities of the Eastern Metropolitan Region.
2. The ERG position is that collaboration on regional leverage effort should be viewed in the context of being a “cumulative motive force” where participating Councils:
  - a) Simultaneously preserve their independence;
  - b) Contribute and use their own motive force; and
  - c) Elect those issues on which they believe they have substantial common interest
3. The ERG’s willingness to work collaboratively is guided by a framework of supported goals as follows:

#### Goal 1: A Multi-Council Future Vision

Where there is opportunity to facilitate:

- i. achievement of greater “net community benefit” across the region from improved returns on capital and/or service effectiveness, including enhanced likelihood of attracting significant grants/external funding
- ii. development of commonly defined future concepts such as liveability, sustainability and “smart cities” to help drive a clearly represented and consistently articulated vision

#### Goal 2: Whole Region Integrated Planning

Where there is opportunity to pursue planning across municipal boundaries covering the dimensions of:

- i. *social planning* (e.g., family violence, gambling, drug and alcohol use, homelessness / ‘rough sleeping’, illegal brothels, youth mental health, crime / safety);
- ii. *infrastructure planning* on a regional level (e.g., sporting facilities, waste transfer facilities, social housing, transport).

And where consideration is given to how such integrated planning effort could best be realised through:

- a) pooled resources (e.g., social planners);
- b) information sharing and common systems development;
- c) joint research;
- d) common operational tools, including standards and, importantly,
- e) alignment with existing plans and groups already making progress across municipal boundaries.



### Goal 3: A Single Identifiable Voice

Where strength in external advocacy comes from a single identified voice tied to just a few of the most significant issues. Such advocacy activity to be linked to the integrated planning agenda.

Where there is opportunity to unify messaging to the community that supports Council modernisation, contemporary service delivery, and conveying change agendas that flow from integrated planning consequences in a compelling and positive way.

### Goal 4: Service Efficiency and Effectiveness

Where there are opportunities for better leverage through joint procurement and shared services.

Where there are opportunities for achieving “better ways” of operating (e.g. process improvements/ digitisation of services) to achieve genuine innovations collectively and mutually.

4. Regardless of which of the above goals is subscribed to by an individual Council with their peer Councils, the ERG identified the following **Success Factors** in terms of “**positive conditions**” that must be articulated and demonstrably met:
  - a) Better community outcomes
  - b) Economic benefit, either through scale or through asset value
  - c) A single influential voice, carried by strong and clear messaging
  - d) Elected representatives having a voice (not only officers)
  - e) Independence of each Council is respected and recognised
  - f) Communities are engaged to understand the need for multi-LGA approaches
  - g) Budgeted contributions from each Council clearly stated
  
5. The ERG further proffers the following **Cautions** in terms of ‘**negative conditions**’ to avoid:
  - a) Duplication - eliminated or reduced
  - b) Number of areas of focus - restricted to those that are supportable and achievable
  - c) ‘Relevance deprivation’ (that is, what is focused on must matter to the majority, a lot)
  - d) Market competitiveness between Councils - remove competing interests.

**1. Eastern Regional Group of Councils (ERG) Governance and Draft Strategic Plan 2018 – 2020**

CONFIDENTIAL ATTACHMENT 2 DISTRIBUTED SEPARATELY

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**ALL WARDS****2. KNOX SIGNIFICANT TREE REGISTER AND RELEVANT PLANNING SCHEME PROVISIONS**

**SUMMARY:** *City Futures - Manager (Tanya Clark)*

*At the August 2017 Council meeting, Council requested a report on the status of the Knox Significant Tree Register and existing planning scheme provisions related to significant vegetation protection. This report outlines that at present Knox City Council does not have a municipal wide significant tree register. The implementation of a register would require establishment of a criteria of significance, a survey of significant vegetation in Knox, a choice of mechanism to protect significant vegetation (either a local law or an updated planning scheme control), and a periodic system of review.*

*The current Knox Planning Scheme affords a variety of controls related to vegetation, which have been most recently evaluated in the 2015 Planning Scheme Review (with planning scheme changes being made through the Council adopted Amendment C150). However, a substantial (and recommended) review of the existing Vegetation Protection Overlay - Schedule 2 (Significant exotic and non indigenous native trees), has not yet been undertaken. A municipal wide Significant Tree Survey would provide background information to support the implementation of a Significant Tree Register, which would have the potential to result in the implementation of a new planning scheme control or be incorporated into a local law.*

**RECOMMENDATION**

That Council note the report – Knox Significant Tree Register and relevant Planning Scheme Provisions – in response to the call-up request from the 28 August 2017 Council Meeting.

**1. INTRODUCTION**

This report is in response to a call up item from the 28 August 2017 Council meeting, seeking:

*‘That Council receive a report at the 13 November 2017 Strategic Planning Committee outlining the status of the Knox Significant Tree Register and the relevant planning scheme provisions relating to significant vegetation protection.’*

In preparing this report, officers have had regard to Council’s Call Up Item at Council Meeting Policy, and in particular part 6.5 which states: “Where preparing a report responding to a Call Up Item which will require more than 3 person days or \$5000 in costs then the matter which is subject to the Call Up Item should be referred by Council to the next budget considerations with a supporting business case for consideration along with other competing priorities.

## **2. Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)**

The Knox Planning Scheme currently provides vegetation controls, which are implemented through various overlays (the Vegetation Protection Overlay, Significant Landscape Overlay, Environmental Significance Overlay and Heritage Overlay). The most recent document to address vegetation controls within the Knox Council area was the *Knox Planning Scheme Review (2015)* and the subsequent changes to the Municipal Strategic Statement (MSS) within Amendment C150, which has been adopted Council.

Specifically regarding the protection of Significant Trees within Knox, the Vegetation Protection Overlay – Schedule 2 (VPO2) attempts to protect ‘*Significant Exotic and Non Indigenous Native Trees*’. However, the 2015 Planning Scheme Review found that the VPO2 was being improperly implemented, due to mapping errors and incorrect trees being outlined in the control, and that this control should be reviewed to determine whether this control is meeting the desired purpose.

Other than the VPO2 control, Knox does not have a Significant Tree Register in place. While an option exists to utilise a Local Law for the recognition and protection of Declared Significant Trees, currently a suitable municipal wide Significant Tree study has not been undertaken to inform such a control. Nor has an updated Planning Scheme control related to significant vegetation been funded.

This report outlines the requirements that would be applicable for creating a Significant Tree Register and a description of the existing planning scheme provisions utilised for vegetation protection (including recent adopted planning scheme updates).

## **2. DISCUSSION**

### **Knox Significant Tree Register – Status**

As mentioned, the City of Knox does not currently have a municipal wide Significant Tree Register. However, several planning controls are in place within the Knox Planning Scheme, which have purposes that protect significant trees, significant landscapes, or environmental values, and are the current method for how the removal, destruction, or lopping, of vegetation is regulated.

Additional provisions within the Knox Planning Scheme that have potential to influence vegetation protection include broader policy within the MSS, Local Planning Policies (including the Dandenong Foothills policy, and the Development in Residential Areas and Neighbourhood Character policy), the Residential Zones, the Native Vegetation Particular Provision, and Rescode (Clauses 54 and 55 of the Knox Planning Scheme).

## 2. Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)

### Options for creation of a significant tree register

It has previously been acknowledged through Knox Amendment C49 (implementing the *Sites of Biological Significance in Knox – 2<sup>nd</sup> edn. 2010*), and most recently within the 2015 Knox Planning Scheme Review, that existing vegetation controls relating to VPO 1, 2 & 3, should be reviewed. VPO 1 & 3 were initially proposed to be removed through Amendment C49, but were eventually retained on the advice of the Planning Panel (which Council adopted), that further investigation is required to determine whether vegetation protected under these provisions should continue.

The VPO2, as previously outlined, has been identified as having flaws in its implementation, and effectiveness (most recently through the *Knox Planning Scheme Review (2015)*). This is largely owing to inaccurate mapping, and aged documentation that informs the control. VPO 1, 2 & 3 are scheduled to be reviewed through the current four year City Futures Work Program, beginning in the 2018-2019 timeframe.

Examples from other metropolitan Melbourne councils, include the protection of significant trees through an additional planning scheme control, or through the use of a Local Law.

An example of the use of a planning scheme control is Banyule City Council. The Banyule Planning Scheme contains an ESO4, which functions as a significant tree register. The control is implemented in a more effective way than the previously mentioned Knox VPO2, including accurate mapping references, and a process by which regular updates can be applied to the control (regular planning scheme amendments).

Within the Knox General Provision Local Law, existing provisions are in place for Council to protect declared significant vegetation, or significant trees. Substantial background studies are required to inform the trees to be protected. A process would also be required by which the register could be regularly updated based on new studies or from community submissions.

Based on the existing state of significant tree controls within the Knox Planning Scheme, substantial background studies would also be required to implement a register. These include:

- A new (or substantially updated) survey of significant vegetation and trees across the municipality.
- A review of the categories of significance, and what constitutes 'significance' within the Knox setting (ie. aesthetic, scientific, heritage value, rare species etc.). Several organisations feature an existing criteria for the evaluation of significant trees, including the National Trust of Australia, which could be utilised as a basis of an ongoing criteria.

## 2. **Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)**

- A review, and development of a preference for, the mechanism by which Council will protect significant vegetation/trees (a Local Law or new VPO/ESO).
- Implementation of Councils preferred option of significant tree protection (by adopting the significant tree register, and potentially a planning scheme amendment).
- Development of a process by which the register can be regularly monitored and updated (when applicable through new studies or community submissions).

The advantages to a local law is that it would be a relatively quick process to implement, and it would provide for the opportunity for Council Officers to discuss alternatives to tree removal (such as pruning). Concerns regarding the perceived safety of trees to property and people could be discussed and potentially allayed. Additional information on pest and diseases, appropriate tree maintenance, reasons why trees fall, management of risk, and appropriate species selection, are some of the issues that could be discussed on site with an applicant under the Local Law.

The main drawback to having a local law over a planning scheme provision is that there is no official recognition of a restriction applied to the land in the case of a local law, without the property owner checking on the status of vegetation through Council. A planning scheme control would be listed on any planning certificate as an applicable vegetation control, which would necessitate further investigation by the owner of the property. However, enhanced community education surrounding the existence of a Significant Tree Register may alleviate this.

### **Existing vegetation protection provisions**

The following contains a brief description of the existing controls within the Knox Planning Scheme, related to vegetation protection (including significant vegetation/trees):

#### *Municipal Strategic Statement*

The Knox Planning Scheme Municipal Strategic Statement (MSS) includes reference to importance of the natural environment within the Municipality. In particular Clause 21.06 (Environment) includes broad descriptions of the existing natural environment of Knox and its heritage, along with sites of Biological significance.

## 2. **Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)**

More recently, through the Council adopted Amendment C150, there has been proposed to be changes to the MSS, including a reordering (and rewording) of clauses. Relevant to this report includes the new Clause 21.03 (Environmental & Landscape Values) that replaces the existing Clause 21.06. This clause includes the elevation of trees in importance within the planning scheme, along with updating references with the most recent strategic documents related to biodiversity, and native vegetation within the city of Knox. The new clause also makes reference to significant landscapes around Knox.

### *Dandenong Foothills local policy*

The Dandenong Foothills policy is located at clause 22.01 of the Knox Planning Scheme, and assists in protecting vegetation in identified areas from strategic studies, which supports planning controls that directly address vegetation (such as the VPO, SLO and ESO). The policy contains objectives to protect landscape significance, maintain and improve canopy tree cover and promote sensitive design within the existing vegetation.

Through the recently adopted Amendment C150, the Dandenong Foothills local policy will be moved and incorporated within Clause 21.10, in a policy neutral manner.

### *Development in Residential Areas and Neighbourhood Character local policy*

This policy, at Clause 22.07 of the Knox Planning Scheme, supports planning controls surrounding residential development, and implements recommendations from the *Knox Housing Strategy (2015)*. This includes recognising identified environmental and biological significance will take precedence over development. The policy is split into several character areas across the municipality, some of which have include design objectives to retain canopy vegetation, and to retain and plant indigenous canopy trees.

### *Residential zones*

Introduced through Amendment VC110, the General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) contain minimum garden area requirements, based upon the size of a lot. While not directly related to vegetation protection, the controls provide for mandatory gardens sizes associated with new residential development, which might be utilised in retaining existing vegetation.

### *Native vegetation particular provision*

A state wide provision (Clause 52.17) which applies to land in excess of 4000sqm and requires a permit for the removal of native vegetation.

## 2. **Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)**

### Clauses 54 and 55 (Rescode) of the Knox Planning Scheme

Also acknowledged as state wide provisions for residential development, both Clause 54 (one dwelling on a lot) and Clause 55 (two or more dwellings on a lot) have objectives and standards that aim to protect significant trees that form part of the character of the area.

### Vegetation Protection Overlay

The VPO is within the Knox Planning Scheme, and contains four different schedules applied over varying areas of Knox, as shown in Appendix A. Its purpose is broadly to protect significant vegetation, and recognise vegetation importance when incorporated within new development. The distribution of the VPO is spread across the municipality. A planning permit is required to remove, destroy or lop vegetation identified in each of the schedules described briefly below.

Schedules 1, 3 & 4, have been proposed to be modified through Amendment C150, largely to increase the clarity of the provisions (thereby increasing their effectiveness) and to update the reference documents used to inform the VPO's.

#### *VPO1 (Remnant Vegetation with a high degree of naturalness)*

Schedule 1 to the VPO includes vegetation identified through the *Knox Vegetation Assessment and Protection Strategy (1998)*. The overlay identifies indigenous vegetation, which is considered to be of the most intact natural environment of remnant vegetation within the Municipality.

#### *VPO2 (Significant Exotic and Non Indigenous Native Trees)*

This schedule is informed by the *Knox Vegetation Assessment and Protection Strategy (1998)*, and the *Vegetation Survey of Linear Reserves – A Management Strategy for Riparian and Flood Plain Vegetation (1997)*.

It identifies significant vegetation (non-indigenous) which are considered significant due to their aesthetic values.

While the control covers only non-indigenous vegetation, it includes specified trees, with references for their location. However, the schedule and its method of identifying trees (Melways references) has been identified as being problematic, following a review of the Knox Planning Scheme in 2015.

## 2. Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)

### *VPO3 (Remnant Overstorey Vegetation)*

The Schedule 3 to the VPO includes protection for remnant overstorey vegetation and was also informed by the *Knox Vegetation Assessment and Protection Strategy (1998)* and the *Vegetation Survey of Linear Reserves – A Management Strategy for Riparian and Flood Plain Vegetation (1997)*. It attempts to protect overstorey vegetation as contributing to the heritage of Knox, along with its purpose within habitat corridors and waterways, along with the aesthetic value of the vegetation.

### *VPO4 (Canopy tree protection)*

Schedule 4 has identified sites through the study, *Sites of Biological Significance in Knox 2<sup>nd</sup> Edn. (2010)*. The schedule attempts to maintain continuity of canopy tree cover, assist in providing suitable habitats for native fauna, and protect threatened indigenous vegetation.

### Significant Landscape Overlay

The SLO contains six different schedules applied over areas of Knox as shown in Appendix B, and is contained towards the eastern side of the municipality. Its purpose is in the conservation and enhancement of identified significant landscape areas. A planning permit is required to remove, destroy or lop vegetation identified in each of the schedules, along with planning permit requirements for buildings and works, and fencing (should it be deemed necessary/unnecessary through the applicable schedule).

Six SLO schedules cover differing areas of the municipality, and include:

*Schedule 1: Lysterfield Valley and Lysterfield Hills Rural Landscape*

*Schedule 2: Dandenong Foothills: Foothills Backdrop and Ridgeline Area*

*Schedule 3: Dandenong Foothills: Lower Slope and Valley Area*

*Schedule 4: The Basin Rural Landscape*

*Schedule 5: Lysterfield urban/rural transition and Lysterfield Valley Contributory Area.*

*Schedule 6: Dandenong Foothills – Former Ferntree Gully Quarry*

Each of the SLO schedules contains a statement of nature and key elements of the landscape, and has accompanying landscape character objectives to be achieved. The differing schedules are separated based on landscape types and the elements of significance within the landscape (such as landscape values, development position, protection of views, flora and fauna, among others).

## 2. **Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)**

Amendment C150 includes modifications to the existing SLO's including improving the clarity of the provisions, along with managing the permit triggers of each schedule to ensure consistency, and aligning the decision guidelines.

### Environmental Significance Overlay

The ESO contains three different schedules applied over areas of Knox as shown in Appendix C, with the majority of its application around the periphery of the municipality. Its purpose is in protecting areas of environmental and biological significance, and identifying environmental constraints to development. A planning permit is required to remove, destroy or lop vegetation, along with planning permit requirements for buildings and works, construction of trails, subdivision of land and construct of fencing.

Three ESO schedules cover areas of the municipality, and include:

*Schedule 1: Site of Biological Significance (Reservoir Crescent, Rowville)*

*Schedule 2: Sites of Biological Significance*

*Schedule 3: Dandenong Ranges Buffer*

The ESO schedules contains a Statement of environmental significance, and environmental objectives to be achieved. These can include protection of endangered plant species, indigenous vegetation, habitat protection, buffer areas, and ecological corridors (among others).

The ESO1 is proposed to be removed through Amendment C150 (with the only property within the overlay area to be transferred to within the ESO2). ESO2 & 3 are also proposed to be modified through Amendment C150 to improve clarity of the provisions, and consistency across the two schedules, along with updates to reflect the benefits of vegetation within these areas to the wider community.

### Heritage Overlay

The HO has a purpose towards conservation and enhancement of natural heritage, and elements which contribute to the significance of heritage places. It directs that development should not adversely impact the significance of the place, identified through the schedule to the HO. The schedule to the HO contains reference to both Heritage places that contain tree controls (in that the tree contains significance to the heritage place), and also makes reference to specific trees identified as the contributory heritage feature of the site.



## **2. Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)**

### **3. CONSULTATION**

Input was sought from relevant Council officers within City Planning including Council's Arborist and Landscape Assessment Officer.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

The development of a Significant Tree Register and its implementation through a local law/planning scheme provision, would have broad social and environmental benefits to the wider community, through the protection of valued amenity and character the vegetation affords residents.

If significant vegetation was elevated as having an individual status, it would allow for more targeted planning permit requirements or local law controls in areas that contain vegetation considered significant due to its scientific importance, rarity, aesthetic features etc.

It should also be noted that community attitudes to more vegetation controls may be varied, especially if it applies to restricted development potential.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

A new significant tree survey of the municipality is expected to cost an estimated \$200,000 along with implementation of a Significant Tree Register through a local law or planning scheme provision. Ongoing resource costs would be applicable to both approaches in the continuous maintenance, application and enforcement of the register. These costs do not include review of the VPO 1, 2 & 3, which is to be conducted under City Futures operation budget.

### **6. SOCIAL IMPLICATIONS**

The benefits to the community of exposure to the natural environment has been documented towards the improved health and wellbeing of populations. Effectively protecting specifically valued vegetation (based on a variety of categories), is underdeveloped within the current Knox Planning Scheme (VPO2), and the development of a significant tree register would assist in protecting this valued vegetation.

## **2. Knox Significant Tree Register and Relevant Planning Scheme Provisions (cont'd)**

### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

Goal 1 of the *Community and Council Plan (2017-2021)* is to value the natural and built environment of Knox. The importance of the natural setting of the Dandenong Ranges and the green and leafy image is noted, with strategies to both protect and enhance our natural environment (Strategy 1.1), and to create a greener city with more large trees, indigenous flora and fauna (Strategy 1.2).

The ongoing protection of existing valued significant vegetation is therefore important, if the direction of Knox City Council is to enhance the existing natural environment in the municipality.

### **8. CONCLUSION**

The existing importance of vegetation to Knox is maintained through its reliance on a variety of planning scheme provisions related to the protection and promotion of vegetation and trees. However, through such documentation as the *Knox Planning Scheme Review (2015)*, the existing VPO2 (addressing exotic significant vegetation) contains identified deficiencies and is required to be reviewed. The development of a municipal wide significant tree register would provide a comprehensive coverage of significant vegetation/trees that could be regularly updated.

### **9. CONFIDENTIALITY**

There are no items of a confidential nature listed in this report.

#### **COUNCIL RESOLUTION**

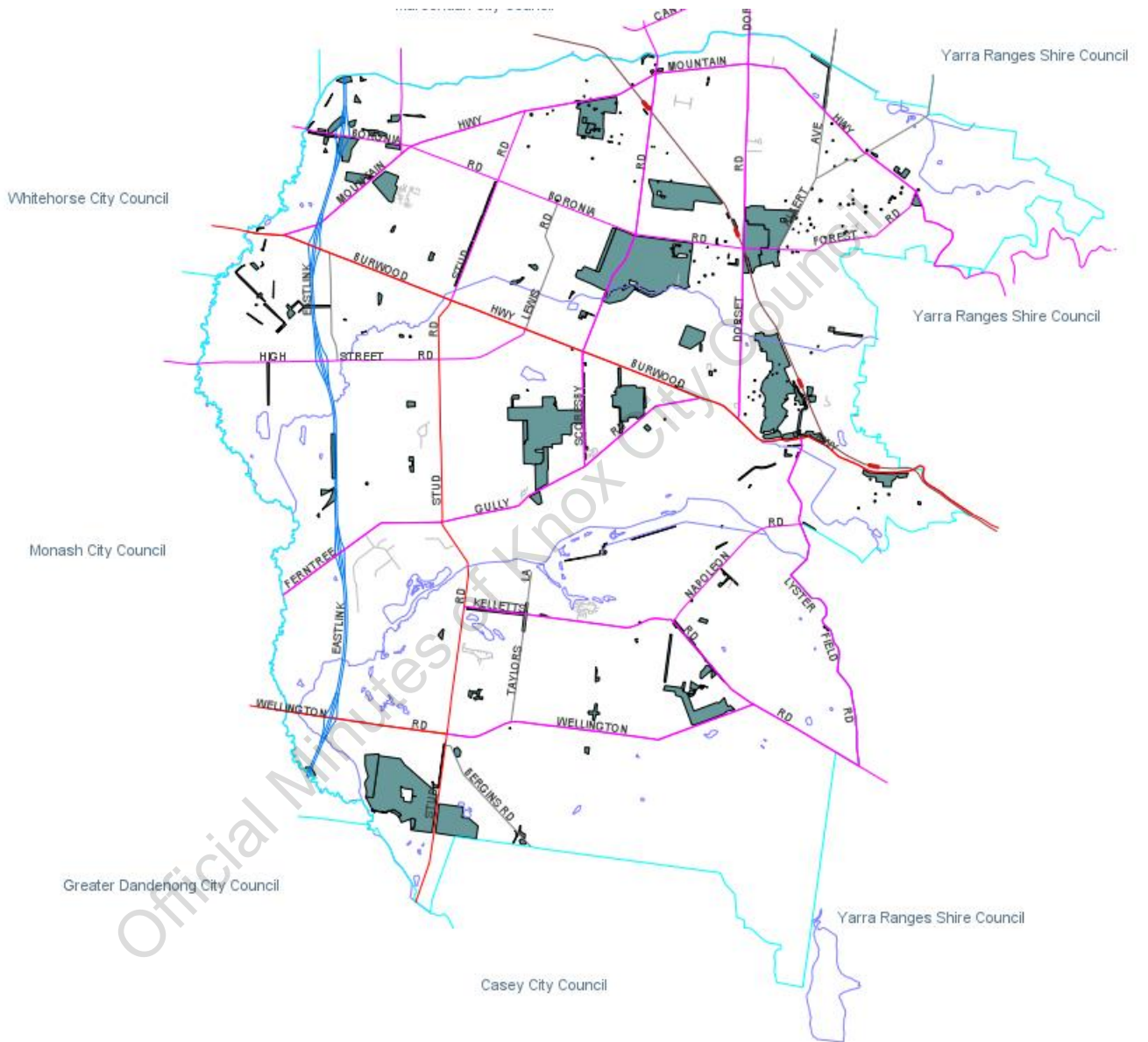
**MOVED: CR. KEOGH**

**SECONDED: CR. SEYMOUR**

**That Council note the report – Knox Significant Tree Register and relevant Planning Scheme Provisions – in response to the call-up request from the 28 August 2017 Council Meeting.**

**CARRIED**

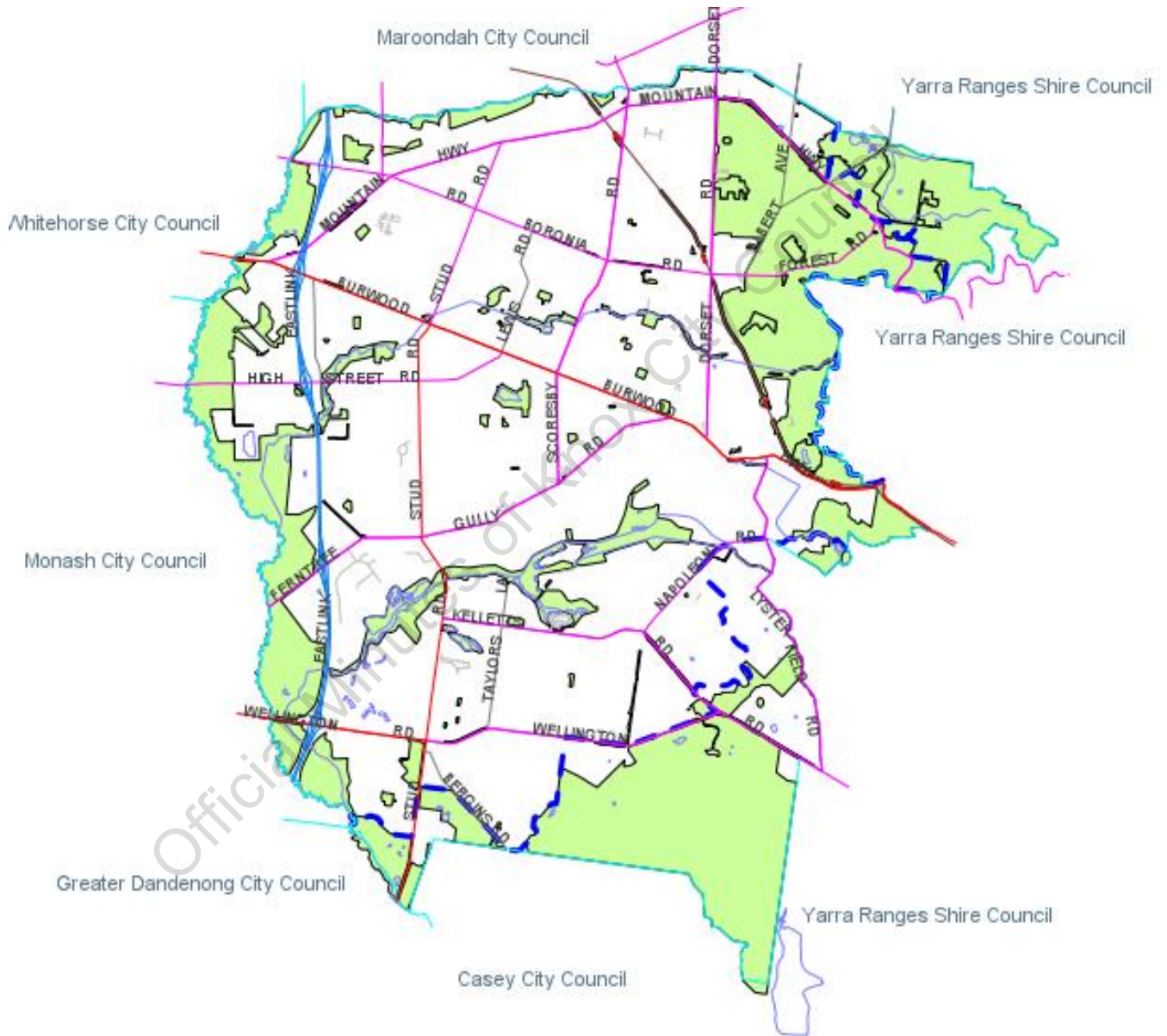
APPENDIX A Areas of Knox covered by the VPO (Schedules 1, 2, 3 & 4 represented in dark green)



APPENDIX B Areas of Knox covered by the SLO (Schedules 1, 2, 3, 4, 5 & 6 represented in green)



APPENDIX C Areas of Knox covered by the ESO (Schedules 2 and 3 visible in light green)



**3. CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW**

This report was circulated in the Confidential Agenda.

**COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**  
**SECONDED: CR. LOCKWOOD**

**That Council**

- 1. Having reviewed the performance of the Chief Executive Officer in accordance with Section 97A of the Local Government Act, endorse the final report (Confidential Appendix A) of Key Performance Indicators for 2016/2017 as recommended by the CEO's Performance Evaluation Committee.**
- 2. Adopt the proposed Key Performance Indicators for the Chief Executive Officer for 2017/2018 as recommended by the CEO's Performance Evaluation Committee (Confidential Appendix B), and as appended to this report.**

**CARRIED**

Official Minutes of Knowlton Council

**4. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****4.1 NOTICE OF MOTION - NO. 71  
KNOX BASKETBALL INFRASTRUCTURE****COUNCIL RESOLUTION****MOVED: CR. HOLLAND****SECONDED: CR. LOCKWOOD****That Council:**

**As a part of the current process being undertaken to review the Stadium Schematic Masterplan and Site Masterplan at the Knox Regional Sports Park, include the following elements:**

- 1. Soccer – Include one additional pitch and convert the existing 5-a-side pitch to full size.**
- 2. Squash and racquetball – Include an adaptable/flexible space for approximately 9 courts (Flexible/movable walls where possible) plus office space.**
- 3. Hockey – Include a pavilion and two hockey pitches.**
- 4. VARMS – Establish whether VARMS can be accommodated or whether an alternate site will need to be considered<sup>1</sup>.**
- 5. Bus Access– Include provision to accommodate bus traffic and parking.**

**Following Council's receipt of the reviewed Stadium Schematic Masterplan and Site Masterplan at the December Council meeting, move to establish a Reference Committee to support the further development and progress of the project incorporating:**

- 1. The development of Terms of Reference and associated governance structure – including committee membership, for approval by Council.**
- 2. Recruitment of Reference Committee members, for approval by Council.**

**CARRIED**

**5. SUPPLEMENTARY ITEMS**

Nil.

**6. URGENT BUSINESS****6.1 URGENT BUSINESS**

Nil.

**6.2 CALL UP ITEMS**

Nil.

**MEETING CLOSED AT 7.15PM**

Minutes of Meeting confirmed at the  
Ordinary Meeting of Council  
held on  
Monday, 27 November 2017

.....  
Chairperson