

# Council Meeting

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## Agenda

**Tuesday, 11 April 2023**

Council Chamber - Civic Centre and via  
Videoconference

## Information for Councillors and the community

### ACKNOWLEDGEMENT OF COUNTRY

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



### COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

### VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

### COUNCILLOR COMMITMENT

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

### OUR COUNCILLORS

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

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

### CHIEF EXECUTIVE OFFICER & DIRECTORS

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

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

### PUBLIC PARTICIPATION IN MEETINGS

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

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

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

## GOVERNANCE RULES

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

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## EVACUATION PROCEDURES

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

## CONTACT US

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

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## **YARRA RANGES COUNCIL**

**AGENDA FOR THE 578<sup>TH</sup> COUNCIL MEETING TO BE HELD ON TUESDAY  
11 APRIL 2023 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC  
CENTRE, ANDERSON STREET, LILYDALE / VIA VIDEOCONFERENCE**

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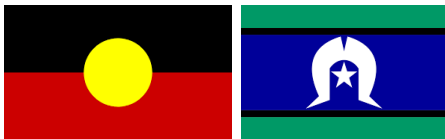
### **1. MEETING OPENED**

## 2. ACKNOWLEDGEMENT OF COUNTRY

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

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

We proudly share custodianship to care for Country together.



### **3. INTRODUCTION OF MEMBERS PRESENT**

#### **OUR COUNCILLORS**

Billanook Ward: Tim Heenan  
Chandler Ward: David Eastham  
Chirnside Ward: Richard Higgins  
Lyster Ward: Johanna Skelton  
Melba Ward: Sophie Todorov  
O'Shannassy Ward: Jim Child  
Ryrie Ward: Fiona McAllister  
Streeton Ward: Andrew Fullagar  
Walling Ward: Len Cox

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Chief Executive Officer, Tammi Rose  
Director Built Environment & Infrastructure, Hjalmar Philipp  
Director Communities, Jane Price  
Director Corporate Services, Andrew Hilson  
Director Planning & Sustainable Futures, Kath McClusky



**4. APOLOGIES AND LEAVE OF ABSENCE**

An apology for this meeting was received from Councillor Fiona McAllister.

**5. MAYORAL ANNOUNCEMENTS**

**6. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

*That the Minutes of the Council Meeting held Tuesday 28 March 2023, as circulated, be confirmed.*

## 7. CONFLICTS OF INTEREST

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

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

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

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

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

**8. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC**

*In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

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

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

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

**9. PETITIONS**

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

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

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

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

## AMENDMENT C207 LILYDALE HERITAGE OVERLAY SUBMISSIONS – CONSIDERATION OF SUBMISSIONS AND REFERRAL TO PANEL

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Report Author: Senior Strategic Planner  
 Responsible Officer: Director Planning & Sustainable Futures  
 Ward(s) affected: Billanook; Melba

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

### CONFIDENTIALITY

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

### SUMMARY

Amendment C207 proposes to apply a Heritage Overlay (HO) to 13 new sites in Lilydale and update the existing heritage statements of significance or mapping for 7 places in Lilydale that are already protected by the HO.

The amendment was placed on public exhibition from 10 November 2022 to 12 December 2022 and five submissions were received. Of those, two submissions oppose the application of the Heritage Overlay, one submission supports the amendment and requested a number of modifications to address accuracy of historical information and the proper acknowledgement of sources in the Statements of Significance for several properties, and two submissions stated that they had no objection to the amendment.

In response to submissions, this report recommends that Council, at the meeting on 11 April 2023, refer the Amendment and submissions to an independent Planning Panel appointed by the Minister for Planning.

### RECOMMENDATION

#### *That Council*

- 1. Note the matters raised in submissions to Amendment C207.**
- 2. Request the Minister for Planning to appoint an independent Planning Panel under section 23 of the Planning and Environment Act 1987, to consider submissions to Amendment C207**
- 3. Write to all submitters advising them of Council's decision to refer the submissions to a Panel.**
- 4. Present a submission to a Panel Hearing generally in accordance with the position outlined in this report and attachments.**

## RELATED COUNCIL DECISIONS

At the Council Meeting of 24 September 2019, Council resolved to adopt the Lilydale Place Plan to guide decision making for Lilydale's future liveability. The adopted Place Plan included an Action 4.1 to 'Create Inviting Streets and Public Spaces', which included advocacy for restoration of streetscapes and heritage.

At the Council Meeting of 14 December 2021 for the draft Lilydale Structure Plan, Council noted an update on the Lilydale Heritage Review.

At the Council Meeting of 26 July 2022, Council resolved to:

- Prepare and request authorisation from the Minister for Planning to exhibit Planning Scheme Amendment C207; and
- Request the Minister for Planning to prepare, adopt and approve Amendment C206 to apply interim heritage protection to the 13 new places on an interim basis until 31 December 2023.

## DISCUSSION

### *Purpose*

The purpose of this report is to discuss the submissions received to Amendment C207 and recommend that the amendment be referred to an independent planning panel, appointed by the Minister for Planning.

### *Background*

On 13 December 2022, Council adopted the new Lilydale Structure Plan.

Early work on the Structure Plan identified that there are a number of properties in Lilydale with potential heritage significance that are not protected by a Heritage Overlay.

Council officers commissioned expert heritage advice to complete a review of potential heritage properties in Lilydale with a focus on the Main Street of Lilydale and surrounding residential areas, and to finalise Statements of Significance for properties that meet the threshold for local heritage protection. This work also includes updating several outdated Statements of Significance for properties that already have heritage protection in the planning scheme.

Amendment C207 proposes to amend the Yarra Ranges Planning Scheme to apply the Heritage Overlay to the following places:



**Table 1**

Description of Place	Address
Olinda Hotel	161 Main Street, Lilydale
Former Hutchinson's Store	251 Main Street, Lilydale
Crown Hotel	267 Main Street, Lilydale
Beresford Buildings	279-281 Main Street, Lilydale
Artis Building	284 Main Street, Lilydale
Single storey shop	295 Main Street, Lilydale
Former Deschamps Wine Store Olive Tree	2-4 Albert Hill Road, Lilydale, and small section of Cave Hill Road adjoining
Lilydale First World War Memorial	Main Street, Lilydale
Willowbank	16 Crestway, Lilydale
Towri	1/33-61 Edinburgh Road, Lilydale
Heatherlie	57 Warburton Highway, Lilydale
Lilydale Primary School No.876	63-65 Castella Street, Lilydale
Lilydale Heritage Railway Station Goods Shed	Maroondah Highway, Lilydale

Amendment C207 also proposes to amend the existing Heritage Overlay for the below places:

**Table 2**

Description of Place	Address	Proposed Amendment to the HO
Queen Victoria Jubilee Street Trees (HO77)	Main Street, Lilydale	Reduction in mapped curtilage area within Main Street (to be replaced by HO401 – Lilydale Historic Street Trees)
Former W Johnson Bootmakers Shop/Residence (HO203)	335 Main Street, Lilydale	Removal of allowance for prohibited uses in the Schedule to the Heritage Overlay
Former Poon Kee's Store (HO213)	172 Main Street, Lilydale	Removal of allowance for prohibited uses in the Schedule to the Heritage Overlay
Lilydale-Warburton Railway (HO214)	Lilydale-Warburton Railway (former)	Reduction in mapped curtilage area near the Historic Lilydale Railway Station (to exclude the rail stabling yard)
Lilydale Historic Street Trees (HO401)	Anderson Street, Castella Street, Clarke Street, Cave Hill Road (south), The Eyrie (part) and historic street trees along the western boundary of the Lilydale Recreation Reserve, Lilydale	Increase in mapped curtilage area within Main Street (to replace HO77 Queen Victoria Jubilee Street Trees)

Amendment C207 will also add both the new and updated Statements of Significance for 20 heritage places as Incorporated Documents in the Planning Scheme. This includes updated Statements for the below existing heritage protected places:

**Table 3**

Description of Place	Address
The White Dog Hotel (HO 64)	292 Main Street, Lilydale
Former Oliver's Grocery Store/Lilydale Rural Supplies Shop (HO205)	148 Main Street, Lilydale

### ***Key Issues***

#### ***Interim Heritage Controls***

As discussed above, to enable protection of the heritage places whilst Amendment C207 was exhibited, Council also resolved at the Ordinary Meeting of 26 July 2022, to seek the application of an interim Heritage Overlay (Amendment C206).

To date the request is still under consideration by the Minister for Planning, and therefore no interim controls apply to the heritage places.

#### ***Submissions***

A total of five submissions were received in response to the amendment exhibition. A summary of submissions is at Attachment 1 and further discussed below.

##### Submission 1

The submitter opposes the application of the Heritage Overlay to Heatherlie at 57 Warburton Highway, Lilydale on the following grounds:

- The trees lining the driveway are unhealthy and dangerous and should not be listed in the Statement of Significance;
- The front entry gates require enlargement to enable emergency vehicle access, and should not be listed in the Statement of Significance;
- Inclusion in a Heritage Overlay would hinder repairs to the stone boundary wall; and
- The 'bakery' outbuilding on the site is in poor condition and unworthy of retention.

##### *Response to submission*

The submission was referred to Council's heritage consultant for further assessment. The consultant's advice is that as the site owner has declined to allow a site inspection of the property, there is insufficient evidence to support the requested changes, as further discussed below and within Attachment 2.

*Recommendation*

No change is proposed to the amendment. The submission will be referred to an independent Panel for further consideration.

Submission 2

The submitter opposes the application of the Heritage Overlay to the Former Deschamps Wine Store Olive Tree at 2-4 Albert Hill Road, Lilydale, on the basis that the olive tree is in poor health, and that if the amendment is to go ahead the mapped area of the overlay is excessively large and unreasonably affects too much of the site.

An arborist's assessment has been submitted on behalf of the submitter that states that the tree's health is compromised by the large amount of sealed surface over its root system and has approximately 10 to 15 years of life remaining.

*Response to submission*

The submission was referred to Council's arborist for comment. Council's arborist does not support the landowner's arborist's assessment and considers that a 15 metre tree protection radius remains the valid measure to determine the size of the mapped overlay.

The submission was also referred to Council's heritage consultant for further assessment, along with a copy of Council's arborist's response. The consultant agrees with the Council arborist's assessment and conclusions and supports the protection of the tree as currently proposed. This is further discussed below and within Attachment 2.

*Recommendation*

No change is proposed to the amendment. The submission will be referred to an independent Panel for further consideration.

Submission 3

The submitter supported the amendment, but requested modifications to the Statements of Significance for several of the heritage places, relating to the accuracy of historical information and the proper acknowledgement of sources.

The submission was referred to Council's heritage consultant for further assessment. The consultant advice is that it supports the proposed modifications as further discussed below and within Attachment 3.

*Response to submission*

The requested changes to better reflect historical details and acknowledgment of sources will not affect the integrity of the amendment and will ensure that the most accurate advice is contained in the Statement of Significance for each heritage place. The requested changes are supported.

*Recommendation*

The amendment documentation (Statements of Significance) that will be included as background and incorporated documents in the Planning Scheme be updated in accordance with the advice in Attachment 3.

Submission 4

This submission was made the Victorian School Building Authority (VSBA) on behalf of Lilydale Primary School at 63-65 Castella Street, Lilydale that is proposed to be included in the Heritage Overlay.

The submitter does not oppose the amendment, but notes that the Minister for Education is exempt from planning scheme requirements for development, in accordance with an exemption granted by an order from the Governor in Council under Section 16 of the *Planning and Environment Act 1987*.

*Response to submission*

The VSBA's submission is noted.

*Recommendation*

No changes are required to the amendment.

Submission 5

This submission was made by Vic Track Access regarding the proposed changes to existing HO214 Lilydale-Warburton Railway affecting Lilydale railway station and its surrounds. The submission states it has no objection to Amendment C207.

*Response to submission*

The submission is noted.

*Recommendation*

No changes are required to the amendment.

***Further Heritage Advice***

The three submissions that raised concerns or requested changes were referred to Council's Heritage Adviser for further assessment and advice.

Table 4 below and Attachments 2 provide additional detail of the specific grounds raised by Submissions 1 and 2 and the analysis and response provided by Council's Heritage adviser.

As Submission 3 requested a large number of changes these are further detailed in Attachment 3.

**Table 4**

Submission	Heritage Adviser Response
Submission 1	Heritage Adviser Response
<p>Opposes the tree controls on the property on the basis that:</p> <ul style="list-style-type: none"> <li>• The row of planted Pinus Radiata on the driveway are declining and snagging. They are all at the end of their lives and are a significant risk to life and property.</li> <li>• One of these mature pines was responsible for a death of a motorist in 2018 and is the subject of a live court case in relation to this matter.</li> </ul>	<p>The health and overall condition of the driveway plantings do not immediately determine the validity of tree protections to the site.</p> <p>If alterations or maintenance to these trees are to be undertaken, a permit application can be made by the landowners to Council, likely with an Arborist report detailing the works and health of the trees, for review who will assess whether the works will have a detrimental impact on the cultural heritage significance of the site.</p>
<p>Opposes the application of the HO to the front entrance gate on the basis that:</p> <ul style="list-style-type: none"> <li>• The front entrance gate is stone but needs repair and more importantly is too narrow so that the CFA, emergency services and deliveries cannot access the property.</li> <li>• The 2.5m width of the entrance gate needs to be widened to allow access to the property for larger vehicles and particularly fire trucks and emergency services larger machinery.</li> <li>• We border a significant forested area and represent an important fire break between us, and the township of Lilydale so there needs to be access.</li> <li>• The Stone gate pillars are an impediment to this access and need modification.</li> </ul>	<p>The gateway is measured currently at 2.5 metres wide.</p> <p>It is acknowledged that the CFA note that the minimum trafficable width required for fire services is 3.5 metres wide.</p> <p>Noting this, we still encourage the inclusion of protections to the boundary wall and gate, with any future changes associated with emergency access be appropriately managed as part of a future permit process under the planning scheme.</p> <p>However, it is also recognised that the entire property boundary is not bounded by the stone wall, but in fact mostly post and wire fencing. An additional break can be made for large vehicle access, as is very common with rural properties.</p> <p>We do not accept that the 1939 boundary wall and entrance gates should be exempt from protections.</p>
<p>The workers cottage on the property is in knockdown condition, not structurally sound and not in any way unique or worthy of preservation – if it had been inspected rather than desk top reviewed.</p>	<p>The site owner has noted the 1884 bakery and worker’s cottage as damaged and altered, and requiring demolition due to the financial burden its replacement would mean.</p> <p>However, the photos provided by the submitter show an intact stone ruin, and the information provided by the site owner does not negate the cultural heritage significance of said ruin.</p> <p>Economic and financial considerations do not factor into assessing the cultural heritage significance of a site.</p> <p>The owners have not agreed to a site inspection.</p>
<p>The stone walling around the house is in poor condition and largely needs to be replaced in many areas as it has not been maintained over the years and refilled with concrete.</p>	<p>The submitter has noted the gardens around the house have been substantially altered, in the case of the stone retaining walls, plantings and mature Poplars.</p> <p>They similarly note that very little remains of the Sorenson landscaping. To reiterate what has been recorded as significant, as shown in the Statement of Significance: the form, scale, detailing and siting of the</p>

	<p>c. 1938 Interwar Olds English style residence, along with the former entrance pine (<i>Pinus</i>) tree lined driveway, c. 1939 front boundary wall and entrance gate, and remnant 1884 baker and workers cottage.</p> <p>The Sorenson landscaping has not been recorded as a protected element in the Statement of Significance.</p>
<p>No physical inspection of the property has been undertaken as part of Planning Scheme Amendment C207.</p>	<p>As standard practice when conducting heritage studies, we do not enter private properties during fieldwork, exclusively conducting physical assessments from the public domain.</p> <p>Following receipt of this submission a site inspection was requested but not allowed by the property owner.</p> <p>The features identified in the statement of significance are either visible from the public realm or identifiable through desktop sources (such as contemporary aerial photographs).</p> <p>No changes are recommended to HO441 as exhibited.</p>
<p><b>Submission 2</b> <span style="float: right;"><b>Heritage Adviser Response</b></span></p>	
<p>Does not support the application of the Heritage Overlay to the site and its 15 metre radius around the Olive Tree.</p>	<p>The 15 metre curtilage has been based on the maximum Tree Protection Zone (TPZ) calculated in AS4970 <i>Protection of trees on development sites</i>.</p> <p>As Council's arborist notes the TPZ of a tree is derived from trunk diameter, something which is not static but changing constantly through the life of the tree.</p>
<p>The Olive Tree is in poor health and decline and the application of a large Heritage Overlay area is unreasonable and not reflective of the growing conditions available to the tree.</p>	<p>Council's arborist has established that the health of the tree and its overall condition should not determine the validity of its inclusion on the Heritage Overlay. We agree with this, noting that the tree is one of the oldest olive trees remaining in the township of Lilydale.</p>
<p>The oversized application of the Heritage Overlay will affect a larger area of the site, as well as the adjoining property, that has no heritage significance or relevance to the tree.</p>	<p>The 15 metre buffer will work appropriately as a permit trigger, and any permit application will need to obtain an arborist report to assess the TPZ as it currently stands based on the trunk diameter, and in turn demonstrate whether the proposed works within/closer than 15 metres will adversely impact the significant tree.</p>
<p>The Heritage Overlay should only apply to the exiting garden bed area.</p>	<p>Refer to the above comments regarding the suitability of the 15 metre curtilage.</p> <p>We support the protection of the Olive Tree (HO437) as exhibited.</p>

### ***Planning Panel***

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

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

Given that two submissions raise matters that cannot be resolved, it is proposed that Council refer the Amendment and submissions to an independent Planning Panel appointed by the Minister for Planning.

A Planning Panel provides Council and all submitters with an opportunity to have the amendment proposal and matters raised within submissions further considered.

Following the completion of the Panel, which generally includes a hearing, the Panel will provide a report to Council with its recommendations for consideration.

### ***Options considered***

#### *Option 1*

Refer the amendment and submission to an Independent Planning Panel. This will enable all parties with an opportunity to have their concerns or requested changes to the amendment further considered.

#### *Option 2*

Change the amendment as requested by submitters. As discussed under Submissions 1 and 2 above, the advice of Council's heritage consultant is that there has been insufficient evidence provided to justify making changes to the amendment as exhibited. The submissions are therefore unresolvable.

#### *Option 3*

Abandon the amendment. If heritage protection of the subject sites was not pursued, Council would be failing in its obligations under the *Planning and Environment Act 1987* and the Yarra Ranges Planning Scheme.

The risk of permanently losing places of identified historic and cultural significance would significantly increase.

### ***Recommended option and justification***

It is recommended Option 1 be pursued. The further consideration of the amendment and matters raised by submitters who oppose the amendment by an independent Planning Panel provides all parties with an opportunity to have their concerns further considered. Abandoning the amendment would result in the places having no heritage protection.

## FINANCIAL ANALYSIS

The costs associated with Amendment C207 are covered by the recurring Planning Scheme Amendments operational budget for Strategic Planning.

This includes the costs associated with engaging a heritage consultant to prepare statements of significance, reviewing submissions and appearing as an expert witness at a Planning Panel.

Council must also cover the costs associated with the Planning Panel.

## APPLICABLE PLANS AND POLICIES

The proposal to apply permanent heritage protection to the subject sites is consistent with the following Council strategies and plans:

1. Council Plan (2021-25) opening statement: *“We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.”*
2. Council Plan (2021-25): Quality Infrastructure and Liveable Places.
3. Yarra Ranges Planning Scheme:
  - a. Clause 15.03-1S *Heritage Conservation*: ensure the conservation of places of heritage significance; and
  - b. Clause 15.03-1L *Heritage*.

## RELEVANT LAW

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

## SUSTAINABILITY IMPLICATIONS

### *Economic Implications*

The amendment is not expected to have any adverse or significant economic effects. Inclusion of a site within the HO does not prohibit changes to that site or building, but requires an application process whereby heritage considerations can be properly addressed, along with other factors before any decision on an application is made.

It is considered economic impacts on future development are considered to be offset by the contribution that the heritage place offers to the broader community.



***Social Implications***

The amendment will have positive social and cultural effects. Protection of heritage places benefits the community by adding to the understanding of Yarra Ranges' rich cultural history, providing a link to the past and giving a sense of place.

***Environmental Implications***

The amendment will not have any adverse effects on the environment. Retaining heritage buildings for adaptive reuse can also lead to environmental and economic benefits through the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing building.

**COMMUNITY ENGAGEMENT**

Amendment C207 was publicly exhibited from 10 November 2022 to 12 December 2022 in accordance with the statutory requirements under the *Planning and Environment Act 1987*. Notification comprised:

- Notices published in the 8 November 2022 edition of the Lilydale Star Mail paper;
- Letters sent by mail to the affected landowners and adjoining land owners and occupiers and other key stakeholders including the local heritage society;
- Letters sent by email to prescribed and relevant government agencies and departments; and
- Notice published in the Government Gazette on 10 November 2022.

In addition, information was made available from Council's and the Department of Transport and Planning's websites.

**COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

The amendment will contribute to protection of Yarra Ranges heritage. As part of the amendment process Council is required to seek the view of all the relevant State government departments who have raised no objections.

**RISK ASSESSMENT**

Until the subject sites are protected permanently by a Heritage Overlay, there is a risk of demolition or works that may compromise their heritage integrity.

## **CONFLICTS OF INTEREST**

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

## **ATTACHMENTS TO THE REPORT**

1. Summary of Submissions
2. Heritage Advisor Response to Submissions 1 and 2
3. Heritage Advisor Response to Submission 3

## Summary of Submissions to Amendment C207

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

Submitter no.	Summary of submission	Response to submission
1	<p>The submitter raised concerns that the proposed overlay on 57 Warburton Highway ('Heatherlie') would jeopardise important safety works, specifically:</p> <ul style="list-style-type: none"> <li>• Removal of unhealthy and dangerous trees lining the driveway;</li> <li>• Enlargement of the front entry gates to enable emergency vehicle access;</li> <li>• Repairs to the stone boundary wall.</li> </ul> <p>The submitter also considers that the bakery outbuilding is in poor condition and unworthy of retention.</p>	<p>Thank you for making a submission. In response to your submission, we advise the following:</p> <p>Your concerns regarding the potential impact of heritage controls on future alterations to the property are noted. In accordance with advice provided by Council's heritage consultant no changes are proposed to be made to HO441 as exhibited.</p> <p>Recommendation: The submission will be referred to an independent Planning Panel for further consideration.</p>
2	<p>The submitter considers that the overlay proposed for the olive tree at 2-4 Albert Hill Road is unjustified because:</p> <ul style="list-style-type: none"> <li>• The subject olive tree is in poor health; and</li> <li>• The mapped area of the overlay is excessively large and unreasonably affects too much of the site.</li> </ul>	<p>Thank you for making a submission. In response to your submission, we advise the following:</p> <p>Your concerns regarding the potential impact of heritage controls on future alterations to the property are noted. In accordance with advice provided by Council's arborist and heritage consultant no changes are proposed to be made to HO437 as exhibited.</p> <p>Recommendation: The submission will be referred to an independent Planning Panel for further consideration.</p>
3	<p>The submitter proposes a number of modifications to the Statements of Significance for several heritage places, relating to the accuracy of historical information and the proper acknowledgement of sources.</p>	<p>Thank you for making a submission. In response to your submission, the changes proposed are supported.</p> <p>Recommendation: Amend the amendment documentation (Statement of Significance) as requested.</p>
4	<p>The submitter does not oppose the amendment applying to Lilydale Primary School at 63-65 Castella Street, but notes that the Minister for Education is exempt from planning scheme requirements for development, in accordance with an exemption granted by an order from the Governor in Council under Section 16 of the <i>Planning and Environment Act 1987</i>.</p>	<p>Thank you for making a submission - your advice is noted.</p> <p>Recommendation: No changes are required to the amendment.</p>

5	The submitter does not oppose the amendment applying to HO214 Lilydale-Warburton Railway affecting Lilydale railway station and its surrounds.	Thank you for making a submission - your advice is noted. Recommendation: No changes are required to the amendment.
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## Planning Scheme Amendment C207

### Heritage adviser response to submissions (Submissions 1 and 2)

Submission and Site	Submission	Response
<b>Submission 1</b> <b>57 Warburton Highway, Lilydale (HO441)</b>	<p>Opposes the tree controls on the property on the basis that:</p> <ul style="list-style-type: none"> <li>• The row of planted Pinus Radiata on the driveway are declining and snagging. They are all at the end of their lives and are a significant risk to life and property.</li> <li>• One of these mature pines was responsible for a death of a motorist in 2018 and is the subject of a live court case in relation to this matter.</li> </ul>	<p>The health and overall condition of the driveway plantings do not immediately determine the validity of tree protections to the site.</p> <p>If alterations or maintenance to these trees are to be undertaken, a permit application can be made by the landowners to Council, likely with an Arborist report detailing the works and health of the trees, for review who will assess whether the works will have a detrimental impact on the cultural heritage significance of the site.</p>
	<p>Opposes the application of the HO to the front entrance gate on the basis that:</p> <ul style="list-style-type: none"> <li>• The front entrance gate is stone but needs repair and more importantly is too narrow so that the CFA, emergency services and deliveries cannot access the property.</li> <li>• The 2.5m width of the entrance gate needs to be widened to allow access to the property for larger vehicles and particularly fire trucks and emergency services larger machinery.</li> <li>• We border a significant forested area and represent an important fire break between us and the township of Lilydale so there needs to be access.</li> </ul> <p>The Stone gate pillars are an impediment to this access and need modification.</p>	<p>The gateway is measured currently at 2.5 metres wide. It is acknowledged that the CFA note that the minimum trafficable width required for fire services is 3.5 metres wide. Noting this, we still encourage the inclusion of protections to the boundary wall and gate, with any future changes associated with emergency access be appropriately managed as part of a future permit process under the planning scheme.</p> <p>However, it is also recognised that the entire property boundary is not bounded by the stone wall, but in fact mostly post and wire fencing. An additional break can be made for large vehicle access, as is very common with rural properties.</p> <p>We do not accept that the 1939 boundary wall and entrance gates should be exempt from protections.</p>
	<p>The workers cottage on the property is in knockdown condition, not structurally sound and not in any way unique or worthy of preservation – if it had been inspected rather than desk top reviewed.</p>	<p>The 1884 bakery and worker's cottage has been noted by the site owner as damaged and altered, and likely requiring demolition due to the financial burden its replacement would mean.</p>

		<p>However, the photos provided by the submitter show an intact stone ruin, and the information provided by the site owner does not negate the cultural heritage significance of said ruin.</p> <p>Economic and financial considerations do not factor into assessing the cultural heritage significance of a site.</p> <p>The owners have not agreed to a site inspection.</p>
	<p>The stone walling around the house is in poor condition and largely needs to be replaced in many areas as it has not been maintained over the years and refilled with concrete.</p>	<p>The submitter has noted the gardens around the house have been substantially altered, in the case of the stone retaining walls, plantings and mature Poplars.</p> <p>They similarly note that very little remains of the Sorenson landscaping. To reiterate what has been recorded as significant, as shown in the Statement of Significance: the form, scale, detailing and siting of the c. 1938 Interwar Olds English style residence, along with the former entrance pine (<i>Pinus</i>) tree lined driveway, c. 1939 front boundary wall and entrance gate, and remnant 1884 baker and workers cottage.</p> <p>The Sorenson landscaping has not been recorded as a protected element in the Statement of Significance.</p>
	<p>No physical inspection of the property has been undertaken as part of Planning Scheme Amendment C207.</p>	<p>As standard practice when conducting heritage studies we do not enter private properties during fieldwork, exclusively conducting physical assessments from the public domain.</p> <p>Following receipt of this submission a site inspection was requested but not allowed by the property owner.</p> <p>The features identified in the statement of significance are either visible from the public realm or identifiable through desktop sources (such as contemporary aerial photographs).</p> <p>No changes are recommended to HO441 as exhibited.</p>

<p><b>Submission 2</b>  <b>2-4 Albert Hill Rd, Lilydale</b>  <b>HO437</b></p>	<p>Does not support the application of the Heritage Overlay to the site and its 15 metre radius around the Olive Tree.</p>	<p>The 15 metre curtilage has been based on the maximum Tree Protection Zone (TPZ) calculated in AS4970 <i>Protection of trees on development sites</i>.  As Council's arborist notes the TPZ of a tree is derived from trunk diameter, something which is not static but changing constantly through the life of the tree.</p>
	<p>The Olive Tree is in poor health and decline and the application of a large Heritage Overlay area is unreasonable and not reflective of the growing conditions available to the tree.</p>	<p>Council's arborist has established that the health of the tree and its overall condition should not determine the validity of its inclusion on the Heritage Overlay. We agree with this, noting that the tree is one of the oldest olive trees remaining in the township of Lilydale.</p>
	<p>The oversized application of the Heritage Overlay will affect a larger area of the site, as well as the adjoining property, that has no heritage significance or relevance to the tree.</p>	<p>The 15 metre buffer will work appropriately as a permit trigger, and any permit application will need to obtain an arborist report to assess the TPZ as it currently stands based on the trunk diameter, and in turn demonstrate whether the proposed works within/closer than 15 metres will adversely impact the significant tree.</p>
	<p>The Heritage Overlay should only apply to the existing garden bed area.</p>	<p>Refer to the above comments regarding the suitability of the 15 metre curtilage.  We support the protection of the Olive Tree (HO437) as exhibited.</p>

Citation Address	Comment	Extent's Response
284 Main St, Lilydale – Artis building.	Page 5: My name is Sue Thompson and the society's name is Lilydale & District Historical Society.	Extent accepts this update.
	Page 7: Need to include Lilydale & District Historical Society in the References and credit the images published on page 8 and 9 – 0056, 05119.	Extent accepts this update.
	I note while it is referred to as the Artis building, there is no information about the builder Henry Artis. Below is a brief biography of Henry Artis (1829-1903): Henry Davey Artis was born in Norfolk, Ireland. He became a qualified Master Mariner and arrived in Melbourne in 1854 as Chief Officer of the vessel Calendar. The ship was sold and the Captain and Henry went to the diggings near Daylesford. In 1857 Henry met and married Elizabeth Walsh who came from County Kiloarg, Ireland. Both had farming and business skills. Henry opened his first business, a general store at Heathcote in 1858. As a store keeper he moved several times and was at Hoddles Creek during the gold rush of 1862. In 1865 Henry bought the Commercial Hotel in Main Street, Lilydale (previously named Hope Hotel). The hotel was built by James Balchin who also built the Lilydale Hotel in 1862. Henry and Elizabeth had six sons and four daughters, who, it seems operated the hotel for some 50 years. In 1921 the hotel was de-licensed and became the Temperance Hotel. It was demolished in February 1959 to make way for the Lilydale Post Office which opened on the site in 1971. (Lilydale Express January 12, 1922 pg2, September 24, 1948 pg3 and January 1, 1959 pg 1). In 1902 his son William was secretary of the reception committee planning for Dame Nellie Melba's home coming. Patience Artis was in charge of the town's decorations. Henry was a member of the Board of the Guardians of St Johns Church of England, Lilydale where a tablet was erected to his memory. He was a large shareholder and the oldest director of the Lilydale Gas Company. After her parents' death Patience purchased the Home Hotel at Launching Place of which she was the licensee until her death in 1948. Memorials at the Lilydale Cemetery feature Henry, Elizabeth and one son buried in the Church of England section while nearby several of their children are buried in a memorial site in the Roman Catholic section. Henry was a noted active member of the Church of England while his wife was a strong Roman Catholic. ( <a href="https://lilydalehistorical.com.au/stories-behind-the-headstones-a/">https://lilydalehistorical.com.au/stories-behind-the-headstones-a/</a> and Lilydale Cemetery Tours Book 2, pg 12, Lilydale & District Historical Society)	Thank you for providing this additional information. This historical information will be incorporated into a revised citation.
279-281 Main Street, Beresford building	Page 5: My name is Sue Thompson and the society's name is Lilydale & District Historical Society.	Extent accepts this update.
	Page 6: As I am cited as the source of the information please add Sue Thompson and the Lilydale & District Historical Society to the Reference list.	Extent accepts this update.
	Page 7: Image caption states it is from the 1920s when Beresford left Lilydale in 1919. I doubt the next chemist would have left his name on it. This is a copy of our image which is clearly marked 1920 not 1920s so I suggest it be changed to 1920.	Extent accepts this update.
	Page 7: Please change photo credit to L&DHS	Extent accepts this update.
	We have an earlier image in our collection dated 1906, the year after the shop was built. We also have another from 1975.	
267 Main Street, Crown Hotel	Page 5: My name is Sue Thompson and the society's name is Lilydale & District Historical Society.	Extent accepts this update.
	Page 5 paragraph 3 should be "A" not The.	Extent accepts this update.
	Page 6: To present the story of the hotel chronologically paragraph 4 – In January 1891 - should be moved to become paragraph 2.	Extent accepts this update.
	Page 7: References: Our correct name is Lilydale & District Historical Society.	Extent accepts this update.
	Page 8 to 10: Our photo captions should be L&DHS.	Extent accepts this update.
	Note: If needed we have a sketch of the new hotel from an advert in the Lilydale Express.	Thank you for providing this additional information. We are happy to receive the sketch, and review to assess whether it should be included in an updated citation.
335 Main Street – Johnston building.	Please note that William's grandson was antique dealer and collector William Robert Johnston who left all his wealth to establish the Johnston Collection in East Melbourne.	Extent accepts this update.



Citation Address	Comment	Extent's Response
	<a href="https://johnstoncollection.org/">We have two images of the building showing the west half and one from the Johnston Collection showing the complete building with the door in the middle. https://johnstoncollection.org/</a>	Thank you for providing this additional information. We are happy to receive the sketch, and review to assess whether it should be included in an updated citation.
Deschamp's Olive Tree	Page 5: No acknowledgement of our research supplied nor of our image – please add under references.	Extent accepts this update.
	Some additional information: Notes: Deschamp's Wine Hall was built on the corner of Louis Deschamp's Olinda Vineyard in 1878 (SOL ratebooks 1879, No 35, pg97). Louis's vineyard was already established by 1871 as shown in the first Shire of Lillydale Ratebook (SOL ratebooks 1972 No 83 pg2). Louis Deschamp was one of three sons of Swiss vigneron Joseph Clement who in 1860 purchased 90 acres of land on both sides of the Lilydale township at the village's first land sales and the three sons established vineyards in and around the Lilydale township. Augustus at Pine Grove; Louis the Olinda Vineyards and Clement the Market Street Vineyards (north of the Olinda Vineyard). Pine Grove was at the corner of Anderson and Main streets. The original home is still standing at 7 Pine Street (not sure if it is heritage protected). Joseph and his sons worked for the de Castella family planting out the Yering Station vineyard now Chateau Yering. He was a viticulturist and in 1872 was elected the first north-west councillor in the Shire of Lillydale. <a href="https://lilydalehistorical.com.au/stories-behind-the-headstones-d/">https://lilydalehistorical.com.au/stories-behind-the-headstones-d/</a> . Deschamp's auctioned off his property and the wine hall in April 1913 as he was leaving the district. (Lilydale Express March 28, 1913 insert).	Thank you for providing this additional information. An update of the citation to include this information is not considered necessary.
251 Main St Hutchinson's store	Page 5: My Name is Sue Thompson and the correct name of the society is Lilydale & District Historical Society.	Extent accepts this update.
	Page 7: No credit to the society for providing the image. Please Add: Lilydale & District Historical Society Image No. 00046.	Extent accepts this update.
57 Warburton Highway Heatherlie	Page 6: First paragraph end of 3 <sup>rd</sup> line it should be Thompson not Thopson.	Extent accepts this update.
	Page 8: Not sure why the first two references say unknown collection. These were drawings prepared for Miss Nancy Heath.	Extent accepts this update.
	Page 8: As I am quoted in the text I expect to be acknowledged appropriately in the references as is everyone else.	Extent accepts this update.
	I note there is no reference to Nancy Heath and her significant involvement with the Lilydale Agricultural and Horticultural Society – it's no small thing to have a pavilion named in your honour – she provided the funds to build it. Refer "Lilydale On Show A History of the Lilydale Agricultural and Horticultural society Inc." by Sue Thompson, 1993, pg29.	Extent accepts this update.
Lilydale Hotel (White Dog Hotel)	Page 6: My name is Sue Thompson and our society's name is Lilydale & District Historical Society.	Extent accepts this update.
	Page 7: the publican's grandson is Fred Bramich and should be named as the source.	Extent accepts this update.
	Page 10 Please include myself and the Lilydale & District Historical Society in the references.	Extent accepts this update.
Lilydale War Memorial	Page 4: Paragraphs 3 and 4 contradict each other: Up until 1949, the obelisk carried the marble statue (sculptor unknown) of an infantryman wearing a ... - Post-1931, the statue was replaced with a bronze torch with an electric light shade in the form of a... Not sure when the marble statue was removed but we have images in our collection of the opening of the bronze torch in 1950.	Extent accepts this update.
	Page 5: The infantryman has either been replaced or returned to its original position atop the obelisk. This should read: a new infantryman based on the original design was erected in 1921.	Noted
	Page 5: My name is Sue Thompson and the society's name is: Lilydale & District Historical Society.	Extent accepts this update.
	Page 5: Note the newspaper citations here compared to those of the White Dog Hotel.	Extent accepts this update.
	Page 6: Compare the detail on the bronze torch with that on page 4.	Extent accepts this update.
Lilydale's street trees	Page 8: Please check the references:	Noted. Extent accepts the following updates.

Citation Address	Comment	Extent's Response
	Lilydale and District <b>Hisotrical</b> Society, (1999), 'The Growing History of Lilydale's Trees', was published by my company Roundabout Publishing.	Extent accepts this update.
	Marian Aveling, (1984), Lilydale - The <b>Bilanook</b> Country 1837-1972, Ramsey Ware	Extent accepts this update.
	Check this one out: Stockland Pty Ltd, North Melbourne VIC	Extent accepts this update.
	Comment: It is fantastic now all the trees are recorded and have been assessed. We have come a long way since about 4 years ago when in reply to a council question about assessing all the street trees I was told it would be too expensive.	Extent appreciates the comment.
Lilydale Primary School	Page 5: This sentence needs to be re-visited- Second wing added in 1966 but subsequently destroyed in a fire in 1911.	Noted.
	Page 6: Paragraph 6 note sure why this reference is included here: (Yarra Ranges Regional Museum 1886).	Extent accepts this update.
Lilydale Railway Goods Shed.	Page 5: This paragraph is incorrect:	Extent will review this paragraph internally.
	While the original 1882 railway station building was demolished and replaced with weatherboard refreshment rooms in 1914, the Goods Shed was maintained.	See above.
	The original station was removed and re-located to be the station at Yarra Junction in 1914. The refreshment room was first licensed in December 1904 (Lilydale Express December 23, 1904 pg 2)	See above.
Olinda Hotel	Page 5: My name is Sue Thompson and the society's name is Lilydale & District Historical Society.	Extent accepts this update.
	Page 6: the citation in the paragraph starting John Hutchinson also owned .... Should be (Thompson & McBain).	Extent accepts this update.
	Paragraph 3: Not sure what this means as the original building is inside the hotel as evidenced by the staircase. See also John Hutchinson's diaries and his description of building his home. Match the diary entries with what is present today to provide conclusive evidence.	Extent will review this issue and update accordingly.
	Page 7: Amend the reference to Thompson Sue.	Extent accepts this update.
Oliver's Store	Page 5: Please check who the present owners of the building are as I have a feeling it is no longer owned by the Cathcart family.	Information regarding current ownership is not considered necessary, however Extent will update the language around ownership to reflect this.
Poon Kee's store	Page 4: Please note: This was never W. Johnston's shop as listed under alterations.	Extent accepts this update.
	Please also note: throughout the citation it should be Poon Kee's as his name was Kee not Kees.	Extent accepts this update.
	Surprised there are no older images included although the various changes are referred to in the citation.	Extent were unable to identify any earlier images of the site.
Queen's Jubilee Trees	Surprised there is no reference to the LDHS publication "The growing History of Lilydale's Trees" by Sandy Ross which traces all the town's street tree plantings from the Queen's Jubilee Avenue to the 1920s.	Extent did not have access to this resource. If this is able to be provided we can review and update the citation as necessary.
295 Main Street – Edward's bakery	Page 5: My name is Sue Thompson and the society's name is Lilydale & District Historical Society.	Extent accepts this update.
Towri	Page 2: Not sure about the statement Dora Lempriere was a noted art patron.	
	I think the importance of Towri in the development of Helen Lempriere has been completely missed. The studio referred to in the citation was her work studio.	

Citation Address	Comment	Extent's Response
	Also the references need to be corrected:	Noted. Extent accepts the following updates.
	Unknown. <a href="#">Gail van Zeist (nee McNamara)</a> c.1940s. Towri and grounds. Digitised black and white photographs. LDHS collection. Lilydale & District Historical Society.	Noted. Extent accepts the following updates.
	Unknown <a href="#">Gail van Zeist (nee McNamara) 2013</a> n.d. Mud map of Towri. Drawing. LDHS collection. Lilydale & District Historical Society.	Noted. Extent accepts the following updates.
	The new Lilydale Chemist McNamara purchased Towri in the 1940s from Dora Lempriere so I question if Dora owned the property until her death. More research will need to be done. Perhaps Extent can check out her Probate as Dora was living in South Yarra at the time of her death (PROV).	Extent will review this information and provide an update to the history in the citation if considered necessary.
	Addition of the mud map to the citation could be of value to the understanding of where the various features in the photographs were located.	Extent did not have access to this resource. If this is able to be provided we can review and update the citation as necessary.
	<a href="https://adb.anu.edu.au/biography/lempriere-helen-dora-18521">For more on Helen Lempriere go to the Australian Dictionary of Biography https://adb.anu.edu.au/biography/lempriere-helen-dora-18521</a>	Extent will review the provided resource and provide a contextual summary on Lempriere as relevant.
Willowbank – Crestway, Lilydale.	I've spoken with Jan Poyner who grew up at Willowbank. She had not heard that the property was owned by Edward Moore Poyner before his Joseph Moore purchased it and operated it as a dairy farm until 1922. – Perhaps the rate books can help there. The property stretched from the Olinda Creek, Nelson Road, Cave Hill Road and Beresford Road. – 70 or so acres all told and the family sold it in 1951 after Jodie's death in 1950.	Extent will review this information and provide an update to the history in the citation if considered necessary.
	I'm sure Jan would be happy to talk with anyone if they have any questions.	Noted.
	There was no architect though Jan said the layout is the same as that of The Oaks and was built in 1912 according to her mother.	Noted
	The bricks were local and the builder was William Thomas Sebire.	Can evidence of this association be provided?

## COUNCIL MEETING DATES 2023

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

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

### CONFIDENTIALITY

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

### SUMMARY

This report provides a schedule of Council meeting dates for the second half of the 2023 calendar year. Once adopted, the meeting schedule will be formally advertised, and details placed on Council's website.

The proposed schedule of meetings is included at Attachment 1 to the report.

### RECOMMENDATION

#### *That Council*

**1. Adopt the 2023 (second half) schedule of Council meetings as follows.**

<i>Tuesday 11 July 2023</i>	<i>Wednesday 10 October 2023</i>
<i>Tuesday 25 July 2023</i>	<i>Tuesday 24 October 2023</i>
<i>Tuesday 8 August 2023</i>	<i>Tuesday 14 November 2023**</i>
<i>Tuesday 22 August 2023</i>	<i>Tuesday 28 November 2023</i>
<i>Tuesday 12 September 2023</i>	<i>Tuesday 12 December 2023</i>
<i>Tuesday 26 September 2023</i>	

**\*\* Mayoral Election**

**2. Convene all Council meetings to commence at 7.00 pm at the venues listed in Attachment 1 to the report unless otherwise specified.**

**3. Authorise the Chief Executive Officer to undertake all statutory requirements that apply to meetings of Council.**

## RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

## DISCUSSION

### ***Purpose and Background***

To consider the schedule of meetings of Council for the second half of the 2023 calendar year.

Under the provisions of the Governance Rules, Council must fix the date, time and place of all Council meetings.

Council meetings are traditionally held on a fortnightly cycle, on the second and fourth Tuesday of each month, commencing at 7.00 p.m., with a break provided over the Christmas/New Year period.

### ***Recommended option and justification***

That Council adopt the schedule of Council meeting dates for the second half of the 2023 calendar year to allow for planning and consistency with current practice.

## FINANCIAL ANALYSIS

Costs associated with holding Council meetings can be met from within approved budgets.

Changes to the approved schedule of Council meetings, as a result of cancellation or scheduling of an additional meeting, or a change to the venue for a meeting, may require public notice to be given and would incur additional costs.

## APPLICABLE PLANS AND POLICIES

The development of a schedule of Council meetings has been undertaken in accordance with Council's Governance Rules.

## RELEVANT LAW

Under the provisions of Council's Governance Rules and in accordance with the *Local Government Act 2020*, Council must from time to time fix the date, time and place of all Council meetings.

Once the schedule of meetings has been agreed upon, the Governance Rules provide for:

- Council by resolution, or the Chief Executive Officer following consultation with the Mayor and Councillors and with their agreement, to change the date, time

and place of, or cancel, any Council meeting. Reasonable notice of the change must be provided to the public

- the Chief Executive Officer to cancel or postpone a Council meeting, should an emergency require this
- the Chief Executive Officer to call a Council meeting in the case of an emergency, and
- the Mayor or at least three Councillors to call a Council meeting by a written notice delivered to the Chief Executive Officer.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

There are no economic impacts associated with the approval of the schedule of Council meetings.

### ***Social Implications***

Council meetings, whether held in person or virtually, provide members of the community with an opportunity to participate in local democracy. Participation enables a greater understanding of Council's decision-making process and promotes open and transparent government. Given the size of the municipality and the distance some members of the community are required to travel, virtual participation has enabled people to easily and conveniently participate and engage in meetings.

### ***Environmental Implications***

There are no environmental impacts associated with adopting the schedule of Council meetings. Virtual participation in Council meetings, together with livestreaming meetings, could lead to a reduction in the travel requirements of Councillors, officers and/or members of the community, which could see a reduction in emissions and therefore have a positive impact on environmental factors with a limited impact on engagement.

## **COMMUNITY ENGAGEMENT**

There has been no public consultation undertaken in respect of the recommendations within this report. Once adopted, the meeting schedule will be formally advertised, and details placed on Council's website.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

## **RISK ASSESSMENT**

There are no risks associated with the recommendations in this report. Council meetings have historically been held on a fortnightly cycle. Council meetings are open to members of the community to attend and, through livestreaming and offering the opportunity to participate by way of videoconference, Council can continue to ensure those who wish to engage with Council are able to do so as easily as possible.

## **CONFLICTS OF INTEREST**

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

## **ATTACHMENTS TO THE REPORT**

1. 2023 Meeting Schedule July – December 2023

## Yarra Ranges Council 2023 Schedule of Meetings

<b>Date</b>	<b>No.</b>	<b>Meeting</b>	<b>Venue</b>	<b>Notes</b>
<b>11 July</b>	584	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>25 July</b>	585	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>08 August</b>	586	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>22 August</b>	587	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>12 September</b>	588	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>26 September</b>	589	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>10 October</b>	590	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>24 October</b>	591	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>14 November</b>	592	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>28 November</b>	593	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	
<b>12 December</b>	594	<b>7pm Council Meeting</b>	15 Anderson St, Lilydale	

All Council Meetings will be fully hybrid, livestreamed and held at the Chamber, Civic Centre, 15 Anderson St, Lilydale.



## Yarra Ranges Council 2023 Public Holidays

All public holiday dates are accurate at the time of publishing, but may be subject to change.

<b>Holiday</b>	<b>Date in 2023</b>
New Year's Day	Sunday 1 January Monday 2 January*
Australia Day	Thursday 26 January
Labour Day	Monday 13 March
Good Friday	Friday 7 April
Saturday before Easter Sunday	Saturday 8 April
Easter Sunday	Sunday 9 April
Easter Monday	Monday 10 April
ANZAC Day	Tuesday 25 April
King's Birthday	Monday 12 June
Friday before the AFL Grand Final	Subject to AFL schedule**
Melbourne Cup	Tuesday 7 November
Christmas Day	Monday 25 December
Boxing Day	Tuesday 26 December

\*As New Year's Day falls on a Sunday, the Monday is an additional public holiday.

\*\*Friday before AFL Grand Final typically falls on the last Friday in September and is subject to the release of the 2023 AFL schedule.

Months with 5<sup>th</sup> Tuesday in 2023: January, May, August, October

## ROADS FOR THE COMMUNITY UPDATE

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Report Author: Executive Officer - Roads for Community Initiative  
 Responsible Officer: Director Built Environment & Infrastructure  
 Ward(s) affected: (All Wards);

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

### CONFIDENTIALITY

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

### SUMMARY

On 24 September 2019 Council considered a report on the Federal Government Road Construction Funding Initiative and Addendum to Special Rate and Charge Scheme Policy for Infrastructure improvements.

The report summarised a \$150 Million Federal Government funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas, announced as part of the 2019 Federal Budget. The report prioritised a list of approximately 187 km's of roads to be sealed based on the funding and estimated road construction costs at the time.

The report referenced landowner contributions to roads sealed under the funding initiative be fixed at \$7,000 per development unit, while also presenting a priority list of unsealed roads for construction for Council endorsement.

On 10 January 2023 Council received formal notification dated 19 December 2022, from the Federal Government that the \$150 Million Federal Government funding initiative would be reduced with Council only receiving total funding in the program of \$47.656 Million (\$47.7M).

As a result of these funding cuts, Councils ability to construct all roads on the endorsed priority list will not be possible.

This report considers what projects can be delivered based on the funding available in the program and where projects have been committed. It will also examine the future direction of prioritising roads for construction that are not able to be constructed from the available funding.

Council will continue to advocate for the Roads for the Community Initiative funding to be reinstated as one of our priority initiatives. Council Officers are working collaboratively with the Cardinia Shire Council on a campaign and have made submissions to the Australian Government's budget process to request that the funding be restored so residents can have their road sealed as planned.

**RECOMMENDATION*****That***

- 1. The budget for works in the Roads for Community Initiative be allocated based on the available funding of \$55,404,270 from the Federal Government funding provided to the program and Landowner contributions only.***
- 2. Council consider a report at a future meeting prior to 1 July 2023 to modify the payment dates for seven Special Charge Schemes that will proceed to construction, but will not begin delivery when the Special Charge Scheme is levied on 1 July 2023.***
- 3. Council consider a report at a future meeting prior to 1 July 2023 to discontinue six Special Charge Schemes that do not currently have funding in the Roads for the Community Initiative. Landowners that form part of the schemes are also advised of Councils intention to discontinue the schemes in an update letter.***
- 4. To assist with the prioritisation of the delivery of road sealing projects that fall outside the Roads for the Community Initiative funding or where landowner petitions for road sealing are received by Council and to support future funding submissions and advocacy, Council officers prepare a revised priority list of road sealing projects and a proposed amendment to Councils Special Charge Scheme Policy to be presented to Council at a future Forum meeting, taking into consideration the following criteria:***
  - (a) Length of road and abutting number of properties***
  - (b) Volume of traffic***
  - (c) Grading frequency***
  - (d) Number of reactive road and stormwater maintenance requests***
  - (e) If a landowner petition for sealing the road had previously been received by Council***
  - (f) Landowner and Council funding mix for road sealing projects***

**RELATED COUNCIL DECISIONS**

At its meeting on 24 September 2019, Council considered a report regarding the Federal Government Road Construction Funding Initiative and adopted recommendations including:

Council endorsed the roads listed in Attachment 1 (of that report) for construction utilising the Federal Government funding initiative; and

Landowner contributions to road construction projects funded by the Federal Government funding initiative be fixed at \$7,000 per development unit.

This report has been published on Council's website and is available by searching the Agenda for the 24 September 2019 Ordinary Meeting:

[https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv\\_OC%20CL%20Public%20Meetings=%28pageindex=4%29](https://www.yarraranges.vic.gov.au/Council/Council-meetings/Minutes-and-agendas?dlv_OC%20CL%20Public%20Meetings=%28pageindex=4%29)

## **DISCUSSION**

### ***Purpose***

To seek Council support for the funding allocation to the Roads for the Community Initiative and to provide direction for any declared special charge schemes currently not funded for construction in the program.

To seek Councils feedback regarding the preparation of a revised priority list of road construction projects, as a result of projects no longer being able to be delivered in the Roads for the Community Initiative.

### ***Background***

On 10 January 2023, Council officers received formal notification of the final figure of funding to be provided by the Federal Government to Councils Roads for the Community Initiative. This figure was \$47.7M, which is not even a third of the original announcement of the program.

Following on from this notification, Council officers have undertaken the following activities relating to the program:

- Provided landowner update letters for projects that are not proceeding to construction based on the available funding left in the program.
- Further communications have been provided to the community regarding the impact of the funding cuts, including media releases and updates to information contained on Council's website
- Council in partnership with Cardinia Shire Council have prepared advocacy work for the reinstatement of the Federal Funding as part of the Roads for the Community Initiative. The advocacy work has included preparing a submission for reinstatement of funding in the upcoming Federal Budget.
- Both Yarra Ranges Council and Cardinia Shire Council met with the Hon. Bridget McKenzie (Shadow Minister for Infrastructure, Transport and Regional Development) to discuss the funding cuts. The shadow minister would also be advocating on both Councils behalf to have funding to this program reinstated.

This report examines how the remaining funding can be used to help deliver the already committed projects in the program and how any future road projects may be re prioritised.

***Key Issues***

From the announced cuts of Federal Funding to the Roads for the Community program, an assessment of all projects and their corresponding commitments was undertaken.

In summary the Roads for Community Program assessments includes:

- 61 projects with current contracted commitments (either design or construction) that the Federal Government funding is provided for.
- 13 projects with Special Charge Schemes declared in 2022 that the Federal Government funding was not provided for construction.

All projects with works currently underway, either in design or construction fall within the previously approved Federal Government funding agreement of \$98.5 Million.

The following tables break down the current expenditure or commitments for projects at different stages and the available funding provided to meet these commitments.

Expenditure and commitmentsCompleted

<b>Description</b>	<b>Amount</b>
Expenditure to date in program (March 2023)	\$22,966,836

Future expenditure from current commitments

<b>Description</b>	<b>Amount</b>
Remaining commitments from projects at Practical Completion (Refer to Attachment 1 - Projects delivered to date including roads sealed or at practical completion)	\$833,640
Commitments for projects in construction (Refer to Attachment 2 - Projects with current commitments for construction)	\$15,806,912
Projects with commitments in design stage (Refer to Attachment 3 - Projects currently with commitments for design)	\$859,076

Remaining commitments for staffing costs (Refer to Attachment 4 - Staffing commitments)	\$8,467,895
Total expenditure (current expenditure & future commitments)	\$48,934,359

Funding available to the program

Description	Amount
Total Federal Funding provided to Program	\$47,656,000
Landowner SCS funding from declared under construction	\$7,748,270
<b>Total Available Funding received to date:</b>	<b>\$55,404,270</b>

The comparison finds that there is a surplus of funding of \$6,469,911 in the program based on the estimated figures. This surplus in funds can be used to deliver further road sealing projects in the program from the priority list that Council have made a commitment to seal.

There are 13 projects that have had previously Council declared Special Charge Schemes that have no current commitment for the costs involved with their construction (Refer to Attachment 5 – Projects with special charge Scheme declared but no commitment for construction). The surplus funds in the program can be utilised to deliver a number of these projects until funding is exhausted. Based on cost estimates for works the following schemes could be delivered (delivery of projects was based on date order of special charge scheme declaration):

Council Declared Special Charge Schemes without Federal Government Funding

<b>Scheme / Street Names</b>	<b>Special Charge Scheme Declaration Date</b>	<b>Estimated commitment required including 10% contingency</b>	<b>Landowner Contribution from Scheme</b>	<b>Available funding remaining in program</b>
				\$6,469,911
Alpine Street, Cecil Street and Glenbrook Road, Warburton	14-June-2022	\$990,000	\$262,500	\$5,742,411
Emery Lane, Montrose	13-September-2022	\$369,788	\$215,250	\$5,587,873
Welham Road, Mooroolbark	13-September-2022	\$332,163		\$5,255,710
Bretby Way, Montrose	27-September-2022	\$472,548		\$4,783,162
Alfred Street, John Street, Wandin North	27-September-2022	\$1,884,273	\$493,500	\$3,392,390
Tainton Street, Railway Parade, Wandin North	27-September-2022	\$1,753,988	\$339,500	\$1,977,902
Cedar Court, Burns Way (Includes harvest Close), Loch Avenue, Mayview Drive, Monbulk	27-September-2022	\$1,615,429	\$423,500	\$785,973

The table indicates a surplus of \$785,973 based on estimated costs to deliver each road project inclusive of a contingency amount. On completion of projects an overall reconciliation of costs will be undertaken and any additional savings will be utilised to fund prioritised road sealing projects.

Future direction for road sealing

Without any further funding provided to the RCI program, it will be necessary for a review of Council's Special Charge Scheme policy to occur. This review will need to examine Council's priorities for sealing roads and at what level of funding Council would provide to projects in comparison to landowners.

There are currently 19 landowner petitions that Council has received requesting for roads to be sealed. These petitions will require investigation and a response based on the future Council direction for road sealing. The received petitions are as follows:

<b>Road</b>	<b>Suburb</b>	<b>Ward</b>	<b>Date Petition Received</b>	<b>RCI Listed project (Year)</b>
Breen Terrace Group	Ferny Creek	Streeton	26/04/16	2026/27
Gerratts Avenue	Upwey	Streeton	26/07/16	2025/26
Warra Road	Upwey	Streeton	22/11/16	2024/25
Nigel Court	Badger Creek	Ryrie	24/01/17	2026/27
Wilkilla Road	Mount Evelyn	Chandler	11/04/17	2023/24
Launching Place Primary School Group	Launching Place	O'Shannassy	30/05/17	2023/24
Edward Street	Wesburn	O'Shannassy	10/01/18	2023/24
Pavitt Lane	Kilsyth	Streeton	20/03/18	N/A
Wanda Avenue & part Darinda Ave	Wandin North	Chandler	23/03/18	2024/25
William Road	The Patch	Lyster	2/11/18	2027/28



Road	Suburb	Ward	Date Petition Received	RCI Listed project (Year)
Selby Road	Worri Yallock	O'Shannassy	26/02/19	2023/24
Clements Avenue & Verona Street	Belgrave South	Lyster	9/04/19	2024/25
Paynes Road (Warburton Hwy to 9 Paynes Rd)	Seville	Chandler	25/06/19	2025/26
McNamaras Road	Millgrove	O'Shannassy	23/07/19	N/A
Knolls Lane	Silvan	Chandler	20/05/2020	N/A
Brumfield Road & Bonnies View	Healesville	Ryrie	1/04/2022	N/A
Roach Road	Lilydale	Billanook	19/05/2022	N/A
Wiseman Road	Silvan	Chandler	1/11/2022	N/A
Wedderburn Crescent	Mount Evelyn	Billanook	1/02/2023	2023/24

The Wedderburn Crescent petition was received following advice to landowners that this project would no longer be funded under the RCI program. Council officers will provide a response to the petitioner advising of the process going forward for this project in line with Councils review of its SCS policy.

Council would also need to consider what its intent is for sealing roads into the future and also determine funding sources and priorities to meet this objective.

Council may also undertake road sealing projects outside of the RCI program and Special Charge Scheme process where there is an identified need or broader benefit to the community.

## ***Options considered***

### Option 1

From the available funding of \$55,404,270 from RCI and Landowner contributions from completed projects in the program the following actions would be undertaken.

- Deliver current committed projects in design and construction;
- Begin tendering the 7 earliest declared Special Charge Schemes based on the table “Council Declared Special Charge Schemes without Federal Government Funding”. The tendering of these 7 schemes would be undertaken in the order that they were declared by Council. From project estimates there will be a further 6 Special Charge Scheme projects unable to be delivered due to insufficient funds able to meet the estimated cost of works;
- Prepare a report to council to consider varying the payment dates of 7 Special Charge Schemes from 1 July 2023 to 1 July 2024. This will assist in the delivery of these works commencing before charges to properties occur;
- Prepare a report to Council to consider discontinuing 6 Special Charge Schemes that are not able to be delivered with the estimated available funding in the RCI program; and
- Council officers are to prepare a re-prioritised list of roads for construction based on a criteria. The criteria proposed to re prioritise roads would include:
  - Length of road and abutting number of properties;
  - Volume of traffic;
  - Grading frequency;
  - Number of reactive road and stormwater maintenance requests;
  - If a landowner petition for sealing the road had previously been received by Council; and
  - Landowner and Council funding mix for road sealing projects

The re-prioritised lists of roads would need to be presented to Council at a future Forum meeting for discussion along with proposed amendments to Councils Special Charge Scheme Policy.

### Option 2

Based on the available funding of \$55,404,270 from RCI and all Landowner contributions and seeking additional \$3,327,318 funds from future unallocated Roads to Recovery Grants in the program the following actions would be undertaken.

- Deliver the current committed projects in design, construction and complete the delivery of projects that have had a Special Charge Scheme even if yet to be tendered;
- Any newly available external funding sources followed by Councils unallocated Roads to Recovery funding from years 2024/25 onwards would be provided to the RCI program to top up any shortfall required to complete all declared Special Charge Schemes to date;
- Prepare a report to council to consider varying the payment date to landowners of 13 Special Charge Schemes that are to be levied on 1 July 2023. The payment plan would allow for payments to commence on 1 July 2024. This will assist in the delivery of these works commencing before payments from these properties are due; and
- Council officers would need to create a re prioritised list of roads for construction based on a criteria. The criteria proposed to re prioritise roads would include:
  - Length of road and abutting number of properties;
  - Volume of traffic;
  - Grading frequency;
  - Number of reactive road and stormwater maintenance requests;
  - If a landowner petition for sealing the road had previously been received by Council; and
  - Landowner and Council funding mix for road sealing projects

The re-prioritised lists of roads would need to be presented to Council at a future Forum meeting for discussion along with proposed amendments to Councils Special Charge Scheme Policy.

### Option 3

From the available funding of \$55,404,270 from RCI and Landowner contributions from completed projects in the program the following actions would be undertaken.

- Deliver current committed projects in design and construction;
- Discontinue the 13 Special Charge Schemes that have been declared but have yet to have works tendered. This would require a formal report to Council and advice to these landowners;
- Council officers would re prioritise the list of roads not included for construction based on a criteria and utilise any remaining funds in the program to deliver the highest priority roads via landowner funded Special Charge Schemes;

- Council officers would re prioritise the list of roads not included for construction based on a criteria. The criteria proposed to re prioritise roads would include:
  - Length of road and abutting number of properties;
  - Volume of traffic
  - Grading frequency;
  - Number of reactive road and stormwater maintenance requests;
  - If a landowner petition for sealing the road had previously been received by Council; and
  - Landowner and Council funding mix for road sealing projects
- The re-prioritised lists of roads would need to be presented to Council at a future Forum meeting for discussion along with proposed amendments to Councils Special Charge Scheme Policy;
- A number of Declared Schemes may still be considered a priority based on the assessment criteria and these may subsequently remain declared or abandoned and started again;
- Discontinuing Declared Schemes does include the risk that owners who are liable may in the future vote against a scheme, and these may fail at the first round of questionnaire. There are also timing, delay and resource issue to discontinue and start again; and
- The estimated budget available to fund the re-prioritised list of roads is approximately \$6,469,911 plus additional Landowner contributions once a specific scheme is declared (estimated at approx. \$2M) .

### ***Recommended option and justification***

It is considered that the option to utilise only funding generated within the RCI program to deliver projects within the program, provides the least impact financially to Council.

### **FINANCIAL ANALYSIS**

Council's previous contribution to projects within this program was via the Federal Governments funding for Sealing Roads in the Dandenong Ranges and surrounds.

The Federal Government has reduced funding from the RCI Program from \$150M to \$47.7M.

Based on the recommended Option 1 being adopted and the 7 declared Special Charge Schemes being constructed, there is no additional Council funding required to be allocated to this program.

## **APPLICABLE PLANS AND POLICIES**

The construction of local roads as a Special Charge Scheme meets the *Council Plan 2021-2025* strategic objective of Quality Infrastructure and Liveable Places. Local road construction also has benefits related to the strategic objective of a Vibrant Economy, Agriculture and Tourism.

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

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

## **RELEVANT LAW**

Special Charge Schemes for Infrastructure Improvements are implemented under the Special Charge provisions of the *Local Government Act 1989*.

Council when considering a Special Charge Scheme is required to advertise the proposal and invite submissions from the public as prescribed in 223 of the *Local Government Act 1989*.

Implementation of the works will be carried out under Sections 8 and 10 of the *Local Government Act 2020* which identifies the role and powers of Councils.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

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

### ***Social Implications***

Special Charge Schemes for road construction require sizeable contributions from abutting landowners. These contributions can lead to social and economic impacts for affected landowners. Council's Special Rate and Charge Policy for Infrastructure Improvements notes that those landowners with a demonstrated financial hardship may apply for assistance in accordance with Council's Rate Recovery and Financial Hardship Policy.

### ***Environmental Implications***

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

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

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

## **COMMUNITY ENGAGEMENT**

Landowners of properties that abut projects within this program have been provided with update letters regarding the status of their project following the recent Federal Government funding cuts to the program.

There has been mainstream media on this matter, however, Council has been hesitant to engage until official notification was provided by the Federal Government on the reduced funding.

Council's process for initiating a Special Charge Scheme includes extensive consultation with landowners. It is proposed that Council liaises with landowner groups and provide an update on the status of the specific Schemes where consultation has occurred with the abutting owners and in accordance with the statutory process for the Special Charge.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

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

The key principles of the program have been to construct unmade roads:

- Servicing schools, community facilities and sporting facilities;
- Within the urban growth boundary and township areas within Yarra Ranges;
- That significantly support bushfire risk and emergency situations to allow the community to safely exit areas of high risk;
- That support the growth and development of tourism across the municipality; and
- Where sections of high-volume rural roads intersect with collector/arterial roads

The uptake and support from community for these projects has been very strong. With the reduction of Federal Funding to this program, continued advocacy will need to be undertaken to try and have funding re-established and provide benefits of road sealing to the community.

Council will continue to advocate for the Roads for the Community Initiative funding to be reinstated as one of our priority initiative. Council Officers are working collaboratively with the Cardinia Shire Council on a campaign and have made submissions to the Australian Government's budget process to request that the funding be restored so residents can have their road sealed as planned.

## **RISK ASSESSMENT**

Although the RCI program is a Federally Funded initiative, a decision not to proceed with a declared special charge scheme may impact on Council's reputation, community's confidence with government and the process.

It is important that Yarra Ranges and Cardinia develop a shared strategic approach to ongoing communication and advocacy on behalf of our local communities. This will minimise risk of confusion and angst in the community, and damage to Councils'

The sealing of unsealed roads would provide the following benefits/risk reduction to landowners:

- Continued and safer vehicular access to and from properties abutting the road.
- Improved stormwater drainage runoff control due to the reduction of road gravel washing out and blocking drainage paths.
- Enhanced physical and environmental amenity for abutting properties.

If the proposed construction of a road does not proceed, inspections and service reports/requests to Council will identify whether an unacceptable or unmanageable risk would be experienced by Council.

## **CONFLICTS OF INTEREST**

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

## **ATTACHMENTS TO THE REPORT**

1. Projects delivered to date including roads sealed or at practical completion
2. Projects with current commitments for construction
3. Projects currently with commitments for design
4. Staffing commitments
5. Projects with special charge scheme declared but no commitment for construction

Attachment 1 - Projects delivered to date include roads sealed or at practical completion

Road Project / Street Names	Ward	Commitment remaining including 10% contingency
Cavanagh Road, Millgrove (Westley Road to Moore Crescent)	O'Shannassy	\$0.00
Moore Crescent, Millgrove (South of Cavanagh Road)	O'Shannassy	\$0.00
Chalet Road, Olinda (First 300 metres from Olinda Monbulk Road)	Chandler	\$0.00
Grandview Grove, Menzies Creek (First 40 metres south of School Road)	Lyster	\$0.00
Joy Avenue, Mount Evelyn (First 40 metres west of Monbulk Road)	Billanook	\$0.00
Dorning Road, Narre Warren East	Lyster	\$0.00
Monash Road, Narre Warren East	Lyster	\$0.00
Lyons Drive, Selby	Lyster	\$0.00
McGregor Avenue, Healesville	Ryrie	\$0.00
Junction Street, Yarra Junction (Little Yarra Road to dead end)	O'Shannassy	\$0.00
Old Coach Road, Mount Dandenong (Farndons Road to Blythes Road)	Streeton	\$0.00
Prices Road, Monbulk	Chandler	\$0.00
Allenby Road and William Road, Lilydale	Melba	\$265,657.04
Forest Street, Yarra Glen	Ryrie	\$0.00
Rue De Gare and Prospect Road, Wandin North	Chandler	\$0.00
Anderson Road and Grey Gum Court, Tecoma	Lyster	\$252.00
Greenwell Road, Selby	Lyster	\$0.00
Morley Street, Selby	Lyster	\$0.00
Waimea Grove, Selby	Lyster	\$0.00
Riley Road, Upwey	Streeton	\$0.00
Heathermont Avenue, Belgrave	Lyster	\$0.00
Witnish Street and Victoria Street (Crescent Road to Witnish Street), Yarra Junction	O'Shannassy	\$61,133.27
Mason Grove and Aurora Rise, Sassafras	Streeton	\$0.00
Walker Road, Seville (117 metres in front of Seville Primary School)	Chandler	\$23,914.31
Estate Road, Don Valley	O'Shannassy	\$0.00
Hyne Street, Lilydale	Billanook	\$53,955.00
Black and Robert Street, Lilydale	Melba	\$5,820.00
Roma Avenue Group including Garibaldi Street, Omonia Drive Old Don Road and Don Road Service Road, Badger Creek	Ryrie	\$301,306.50
Adrienne Court and Maxwell Court, Millgrove	O'Shannassy	\$12,398.50
Mont Vue, Lilydale	Billanook	\$909.09
Morna and Oak Street, Lilydale	Billanook	\$45,125.17
Old Gippsland Road, Lilydale	Billanook	\$0.00
Boronia Road, parts of Clarke Avenue, Sylvan Avenue and Unity Court, Warburton	O'Shannassy	\$63,169.27
<b>Total outstanding Commitments</b>		<b>\$833,640.15</b>



Attachment 2 - Projects with current commitments for construction

Road Project / Street Names	Ward	Commitment remaining including 10% contingency
Joffre Road, Healesville	Ryrie	\$54,822.00
Shevlins Lane, Woori Yallock	O'Shannassy	\$157,050
Heath Road, Huon Road and Grandview Road, Belgrave Heights	Lyster	\$334,313.00
Mt Morton Road and Hood Street, Belgrave Heights **	Lyster	\$3,225,940.42
Haag Road (section between Russell Road and Howard Street), Russell Road, Howard Street and Norman Berry Drive, Seville	Chandler	\$740,000.00
Station Road, Seymour Street and Britton Road, Seville **	Chandler	\$1,800,000
School and Valley Road, Seville	Chandler	\$925,000.00
Victoria Road (section between Station Road to Walker Road), Railway Road and English Street, Seville	Chandler	\$2,088,264.50
Menzies Road, Menzies Creek	Lyster	\$520,000.00
Marna Street, Healesville	Ryrie	\$528,266.38
Campbell Road, Crosley Street and Pilmer Road, Healesville	Ryrie	\$725,000
Miller Street and Montpellier Street, Healesville	Ryrie	\$30,000.00
Grandview Crescent and Lawrence Court, Healesville	Ryrie	\$358,242.50
Hearse Road, Millgrove	O'Shannassy	\$418,597.21
Benton Road, Elamo Road and Nagoondie Lane, Healesville	Ryrie	\$1,007,732.00
Nation Road, Selby	Lyster	\$1,234,630.29
Bell Street, Winifred Street and Read Road, Seville	Chandler	\$1,659,053.69
<b>Total outstanding Commitments</b>		<b>\$15,806,911.99</b>

\*\* Project has not been fully tendered (as staged project), commitment value includes estimate of reaming costs to complete project.

Attachment 3 - Projects currently with commitments for design

Road Project / Street Names	Ward	Commitment remaining including 10% contingency
Gleghorn Road, Kallista ****	Lyster	\$68,488.00
Cavanagh Road (west of Moore Crescent) and Moore Crescent (North of Cavanagh Road), Millgrove	O'Shannassy	\$6,628.88
Bonza View, Kalorama	Streeton	\$4,537.50
River Road and Wonga Road, Millgrove	O'Shannassy	\$20,350.00
Bannerman Street, Douglas Parade, Duke Street, Queen Street, Hillview Street and Junction Street, Yarra Junction	O'Shannassy	\$7,730.00
McOwan Crescent, Outlook Avenue, Railway Street, Yarra Junction	O'Shannassy	\$24,810.01
Junction Road, Marshall Street, The Crescent, Longview Road, Roland Avenue Mount Evelyn	Billanook	\$39,897.00
Dorothy Road, Margaret Road, Nekla Street, Priestly Crescent, Selet Street, Mount Evelyn	Billanook	\$33,955.90
Oak Gorve, Wilkilla Road, Mount Evelyn	Billanook	\$37,730.00
Barrowby Avenue, Nester Road, Selby Road, Woori Yallock	O'Shannassy	\$9,000.00
Deans Road, Henderson Street, Levers Street, Thompson Road, Torry Hill Road, Upwey	Streeton	\$44,869.00
Beverley Drive, Dorothy Street, Robin Parade and Clive Avenue, Healesville	Ryrie	\$21,230.00
Burchett Street, Centre Road, Stanley Road, Robina Road, Fernshaw Road, Forest Street, Monbulk	Chandler	\$3,600.00
Banksia Circuit (The crescent to #18 Banksia Circuit), Edward Street and Wares Road, Wesburn	O'Shannassy	\$6,600.00
Birmingham Service Road (Alice Street to Louisa Street), Wedderburn Crescent, Mount Evelyn	Billanook	\$16,241.00
Falls Road, Mimosa Avenue, Wattle Avenue, Railway Road, Mount Evelyn	Billanook	\$54,780.00
Mace Court, Marcus Street, Quinn Crescent, Quinn Service Road, Sharland Close, ROW Johns Crescent to Quinn Crescent, Mount Evelyn	Billanook	\$51,645.00
Georges Road, Greenslopes Road, Peel Street, Ramsay Court, The Patch	Lyster	\$27,830.00
Halcyon Avenue, Lamont Avenue, O'connors Road, Lawrence Road and Murray Road, The Patch	Lyster	\$36,630.00
Cairncroft Avenue, Tahrilla Drive, Merrigum Lane, Launching Place	O'Shannassy	\$9,438.00
Carroll Street, Grieve Street, Jacka Street (East and West), Ruthven Street, Wellman Street, Launching Place	O'Shannassy	\$29,920.00
Haynes Street, Loris Street, May Street, Silvan	Chandler	\$19,800.00
Bailey Grove (Warburton Hwy to #15 Bailey Grove), Darinda Avenue, Stewart Avenue, Wanda Avenue, Wellington Road, Wandin North	Chandler	\$38,000.00
Bridgewater Road (Existing Seal to Wombat Way), Joyce Street, Peters Road, Stuart Road, Warburton Service Road, Seville East	Chandler	\$61,006.00
Eastview Avenue, Glenvalley Crescent, Kardella Lane, Murray Lane, Wilma Avenue, Seville East	Chandler	\$47,300.00
High Street (Warburton Highway to #64 High Street), Ray Street, Stringybark Lane, Seville East	Chandler	\$38,500.00
Darley Street, Olivette Service Road, Vernon Street, Upper Ferntree Gully	Streeton	\$28,050.00
Belmont Avenue, Guy Street, Highcliff Road, Mary Street, Upwey	Streeton	\$30,910.00
Glenfern Close and Warra Road, Upwey	Lyster	\$18,370.00
Lanning Crescent, Paynes Road, Walker Road, Seville	Chandler	\$21,230.00
<b>Total outstanding Commitments</b>		<b>\$859,076.29</b>

\*\*\*\* Commitment includes design costs for drainage design in Emberson Street and Rivington Avenue

Attachment 4 - Staffing commitments

Financial Year	Operational costs to fulfil all RCI staffing contracts
2023/24	\$2,453,763.85
2024/25	\$2,527,376.77
2025/26	\$2,067,245.52
2026/27	\$1,419,508.59
<b>Total outstanding Commitments</b>	<b>\$8,467,894.73</b>

Attachment 5 - Projects with special charge scheme declared but no commitment for construction

Road Project / Street Names	Ward	Special Charge Scheme Declaration Date	Estimated construction cost including 10% contingency
Alpine Street, Cecil Street and Glenbrook Road, Warburton	O'Shannassy	14-June-2022	\$990,000
Emery Lane, Montrose	Walling	13-September-2022	\$369,788
Welham Road, Mooroolbark	Walling	13-September-2022	\$332,163
Bretby Way, Montrose	Walling	27-September-2022	\$472,548
Alfred Street, John Street, Wandin North	Chandler	27-September-2022	\$1,884,273
Tainton Street, Railway Parade, Wandin North	Chandler	27-September-2022	\$1,753,988
Cedar Court, Burns Way (Includes harvest Close), Loch Avenue, Mayview Drive, Monbulk	Chandler	27-September-2022	\$1,615,429
Park Street, Nicholas Street, Mary Road, Elise Street, Royal Avenue, Imperial Avenue, Wandin North	Chandler	25-October-2022	\$2,632,189.23
Austral Avenue (including unsealed Alpine), Upwey	Streeton	25-October-2022	\$308,652.30
Nevada Avenue, Upwey	Streeton	25-October-2022	\$189,957.90
Belbrook Road, Carween Avenue, The Highway, Weldon Grove, Upwey	Streeton	25-October-2022	\$792,084.15
Henry Street, Yarra Junction	O'Shannassy	22-November-2022	\$489,814.60
Henry Street, Lester Street, Woori Yallock	O'Shannassy	22-November-2022	\$1,417,544.71
<b>Total outstanding Commitments</b>			<b>\$13,248,430.82</b>

**11. COUNCILLOR MOTIONS**

*In accordance with Chapter 3 Division 4 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Councillor motions received prior to the Agenda being printed.

**12. ITEMS THROUGH THE CHAIR**

**13. REPORTS FROM DELEGATES**

**14. DOCUMENTS FOR SIGNING AND SEALING**

*In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.*

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



## 15. INFORMAL MEETINGS OF COUNCILLORS

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

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

### CONFIDENTIALITY

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

### SUMMARY

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

### RECOMMENDATION

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

### ATTACHMENTS TO THE REPORT

1. 21 March 2023 - Council Briefing
2. 21 March 2023 - Council Forum
3. 21 March 2023 - Review of Complex Planning Matter

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Briefing	
<b>Date:</b>	21 March 2023	Start Time: 6.03pm      Finish Time: 6.30pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonerece	
<b>Attendees:</b>	<b>Councillors:</b>	Jim Child, Andrew Fullagar, Sophie Todorov, David Eastham, Johanna Skelton, Richard Higgins, Tim Heenan & Len Cox
	<b>CEO/Directors:</b>	Tammi Rose, Kath McClusky, Andrew Hilson, Jane Price & Hjalmar Philipp
	<b>Via Zoom:</b>	Nil
	<b>Officers:</b>	Andrew Edge, Debbie Pulham, Sarah Candeland, Gina Walter, Tracey Varley
	<b>Via Zoom:</b>	Nil
<b>Apologies</b>	Fiona McAllister	
<b>Disclosure of Conflicts of Interest:</b>	Cr Cox declared a material conflict of interest in Item 10.2, Councillor Expenditure Policy - Reimbursement of Expenses for Cr Cox.	
<b>Matter/s Discussed:</b>	This briefing covered the following items of business to be considered at the 28 March 2023 Council Meeting.	
	10.1	Warburton Mountain Bike Destination Planning Scheme Amendment C198 - Request for a Ministerial Amendment
	10.2	Councillor Expenditure Policy - Reimbursement of Expenses for Cr Cox
	10.3	Partnership Grants Recommendations 2023
	10.4	Yarra Ranges Tourism Partnership Agreement
	10.5	Sport and Recreation Victoria - 2023 Country Football Netball Program Application
	10.6	Jellicoe Avenue, Monbulk Special Charge Scheme
	10.7	Martin Street (from Merrigum Lane to no.26), Belgrave Special Charge Scheme
<b>Completed By:</b>	Andrew Edge	

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Forum	
<b>Date:</b>	21 March 2023	Start Time: 7.02 pm      Finish Time 10.38pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonerece	
<b>Attendees:</b>	<b>Councillors:</b>	Jim Child, Andrew Fullagar, Sophie Todorov, David Eastham, Richard Higgins, Johanna Skelton, Tim Heehan & Len Cox
	<b>CEO/Directors:</b>	Tammi Rose, Kath McClusky, Andrew Hilson, Jane Price & Hjalmar Philipp
	<b>Via Zoom:</b>	Nil
	<b>Officers:</b>	Andrew Edge, Debbie Pulham, Sarah Candeland, Gina Walter, Tracey Varley, Nathan Islip, Phil Murton, Corrine Bowen, Rachael Giddens, Allison Southwell, Helen Ruddell, Crystal McDonald Amanda Bunn
<b>Apologies</b>	<b>Via Zoom:</b>	Alanna Ford, Abby McCarthy
		Fiona McAllister
<b>Externals</b>		Leigh Harry (YRT Chair) Simon O'Callaghan (YRT CEO)
	<b>Via Zoom:</b>	Joanna Stubbings (EAHA )
<b>Disclosure of Conflicts of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	2.1	Action and Agreement Record
	2.2	Kilsyth Centanery Pool Update
	2.3	Eastern Affordable Housing Alliance Presentation and Update on Affordable Housing and Homelessness
	2.4	Yarra Ranges Tourism Chair and CEO Presentation
	2.5	2023-24 Budget Discussion
	2.6	Bushfire Planning Reforms - Draft Comments for Discussion
	2.7	Councillor Discussion Time
	3.1	Indicative Forum & Council Meeting Schedule
	3.2	Contract Approvals and Variations February 2023
	4	Mayor & CEO Update
	5	General Business

# Assembly of Councillors

## Public Record



<b>Completed By:</b>	6	Late Items and Urgent Business
	Andrew Edge	

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Review of Complex Planning Matters	
<b>Date:</b>	21 March 2023	Start Time: 5.30pm      Finish Time: 6.03pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonence	
<b>Attendees:</b>	<b>Councillors:</b>	Jim Child, Andrew Fullagar, Sophie Todorov, David Eastham, Johanna Skelton, Richard Higgins, Tim Heenan & Len Cox
	<b>CEO/Directors:</b>	Tammi Rose, Kath McClusky, Andrew Hilson, Jane Price & Hjalmar Philipp
	<b>Via Zoom:</b>	Nil
	<b>Officers:</b>	Andrew Edge, Debbie Pulham, Sarah Candeland, Gina Walter, Alison Fowler, Kris Hanson, Matt Harrington, Nathan Islip, Tracey Varley
	<b>Via Zoom:</b>	Nil
<b>Apologies</b>	Fiona McAllister	
<b>Disclosure of Conflicts of Interest:</b>	Nil	
<b>Matter/s Discussed:</b>	1.3	Warburton Mountain Bike Destination Planning Scheme Amendment C198 - Request for a Ministerial Amendment
	1.4	Amendment C207 - Lilydale Heritage Overlay - Consideration of Submissions
<b>Completed By:</b>	Andrew Edge	

**16. URGENT BUSINESS**

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

**17. CONFIDENTIAL ITEMS**

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

There were no Confidential Items listed for this meeting.

**18. DATE OF NEXT MEETING**

The next meeting of Council is scheduled to be held on Wednesday 26 April 2023 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference.





**In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.**

**When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.**

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

1. Councillors will respect the personal views of other Councillors and the decisions of Council.
2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.
3. The Mayor is the official spokesperson for Council.
4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.
5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.
6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.
7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.
8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.