



# Council Meeting

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Minutes

**Wednesday, 26 April 2023**  
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

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- 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>

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## CONTACT US

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# YARRA RANGES COUNCIL

## MINUTES FOR THE 579<sup>TH</sup> COUNCIL MEETING HELD ON WEDNESDAY, 26 APRIL 2023 COMMENCING AT 7.00 PM VIA VIDEOCONFERENCE

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### 1 COUNCIL MEETING OPENED

Councillor Jim Child (Mayor) declared the meeting open.

### 2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then read the Acknowledgement of Country, and welcomed all present.

### 3 INTRODUCTION OF MEMBERS PRESENT

#### Councillors

Councillor Jim Child (Mayor)

Councillor Sophie Todorov (Deputy Mayor)

Councillor Andrew Fullagar

Councillor Fiona McAllister

Councillor Tim Heenan

Councillor Richard Higgins

Councillor Len Cox OAM

#### Officers

Tammi Rose, Chief Executive Officer

Hjalmar Philipp, Director Built Environment & Infrastructure

Andrew Hilson, Director Corporate Services

Kath McClusky, Director Planning & Sustainable Futures

Helen Ruddell, Acting Director Communities

### 4 APOLOGIES AND LEAVE OF ABSENCE

Apologies for this meeting were received from Councillors David Eastham and Johanna Skelton.

## 5 MAYORAL ANNOUNCEMENTS

### **The Mayor read the following statement:**

I'd like to acknowledge that we are again broadcasting our meetings online through webcast, and I'd like to acknowledge all of our community members watching along tonight. Thank you for being here.

We made the decision to close our public gallery in Council meetings for the foreseeable future, due to a consistent and increasing pattern of verbal abuse, intimidation, and anti-social behaviour from some members of the public.

This behaviour threatens the safety of our staff, of our Councillors and of other community members in attendance, and it is completely unacceptable.

Council takes seriously the responsibility to provide a safe workplace, and ensure that meetings are safe to attend – particularly for community members speaking to items and discussing important issues across planning, our environment and community issues.

I'm extremely disappointed that we had to make this decision, but the consistent disruptive behaviour has left us without a choice.

Community members are, of course, always welcome to send through questions to Council, and we continue to provide a forum here where those questions will be answered.

Please visit [yarraranges.vic.gov.au/meetings](http://yarraranges.vic.gov.au/meetings) to see our upcoming agendas, information on how you can participate in accordance with our Governance Rules and how to submit a question, public submission, or a petition to Council.

We will be reviewing this decision in coming months, and we hope this change will help to foster a safe environment, while still providing community ways to engage with Council respectfully.

## 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved: Cr Todorov**

**Seconded: Cr Higgins**

*That the Minutes of the Council Meeting held Tuesday 11 April 2023, as circulated, be confirmed.*

**The motion was Carried unanimously.**

## 7 DISCLOSURE OF 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.*

There were no disclosures of conflicts of interest made for this meeting.

*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.*

**QUESTION 1*****Sue Thompson of Kilsyth, asked:***

*How much has it cost the rate payers of the Yarra Ranges Council to secure the safety of councillors, staff and ratepayers from the disrupters in the gallery at each council meeting since the beginning of the year?*

*Please include the costs for security guards and any modifications to the council chamber.*

***Andrew Hilson, Director Corporate Services:***

*Thank you for your question, Sue*

*Since January this year and prior to tonight, Council has spent approximately \$12,600 engaging security guards and upgrading the security cameras in the public gallery area to ensure the safety of Councillors, Council staff and members of the public is maintained during Council meetings.*

*Changes to the configuration of chairs and tables are delivered by internal staff.*

## QUESTION 2

**Sean Mulcahy of Ballarat North, asked:**

*Given that the terms of reference of Council's Health and Wellbeing Advisory Committee do not contain LGBTIQ+ inclusion in its purpose, will Council consider establishing an LGBTIQ+ Advisory Committee to ensure that Council is inclusive of LGBTIQ+ people who live, work and recreate in Yarra Ranges?*

**Helen Ruddell, Acting Director Communities:**

*Thank you for your question, Sean.*

*Council has not planned for the establishment of a standalone LGBTIQ+ Advisory Committee. The recent recruitment of Council's Health and Wellbeing Advisory Committee includes representation from the LGBTIQ+ community. The recruitment process is intentionally committed to ensuring diversity.*



### QUESTION 3

**Anonymous asked:**

*It is believed that responses were received about the WMBD project. This was majority from online where anyone from anywhere could comment, shape, and influence a town that they do not live in. This is unreasonable, inaccurate, and unfair data representation of the area. This was commented on by Cr Jim Child when this happened with Hanning farm.*

*Why it is now acceptable to use online feedback when it wasn't a true representation of the community before? Will the responses from the WMBD be released for public viewing to see who has influenced this project and from where?*

**Hjalmar Philipp, Director Built Environment & Infrastructure:**

*Thank you for your question*

*Council are assuming your first question is in relation to the public exhibition and submission process for the Warburton Mountain Bike Destination Environment Effects Statement and Planning Scheme Amendment, which was conducted by Planning Panels Victoria in accordance with relevant policies and practices.*

*There were 2707 submissions collected, and these are available on the Engage Victoria website*

*(<https://engage.vic.gov.au/project/warburton-iac/page/warburton-IAC-submissions>).*

*The Minister for Planning released their assessment of the project in October 2022, which is available on the Department of Transport and Planning website (<https://www.planning.vic.gov.au/environment-assessment/browse-projects/projects/warburton-mountain-bike-destination>)*

*Other local community consultation outside of the EES process is available on [rideyarraranges.com.au](http://rideyarraranges.com.au).*

## **QUESTION 4**

### **Anonymous asked:**

*I am a registered voter in the Yarra Ranges, I am a local resident of Warburton, I am involved with many community groups of which some are registered as a stakeholder for the Warburton Mountain Bike destination.*

*Members and I of these groups and the local residents were completely unaware of the amendments council made on this project, we were not invited to make comments, we were unaware of these amendments coming before council as a motion to be passed.*

*I note here using the internet and social media communication to Warburton residents and beyond is futile and residents do not receive newspapers and council is aware of this. It is essential for the councillors here, the gallery and those watching to know that community groups and local residents of Warburton have not been involved in this decision.*

*My questions are thus:*

*How did the Warburton Advancement league and CEDA know about the amendments to the project?*

*How did these handpicked groups know this was going to council?*

*Why were other stakeholder groups and the community not consulted when requested to do so by high authorises?*

### **Hjalmar Philipp, Director Built Environment & Infrastructure:**

*Thank you for your question.*

*Council assumes this question relates to the Warburton Mountain Bike Destination Planning Scheme Amendment agenda item at the 28 March 2023 Council meeting. The agenda for that night was released on 23 March 2023 so that all community members could access this information. We don't know how specific groups made themselves aware.*

*I note the EES process run by Planning Process Victoria was an opportunity for community to have their say on the project. The changes Council made to the project aligned with the Minister's Recommendation.*

*If it is helpful, please reach out, and we will include contact officer details in our response.*

## **QUESTION 5**

### **Anonymous asked:**

*The community of Warburton would like to know exactly who and what groups were involved in the private meeting on the Thursday before the Vic Roads public meeting please? It was clear that the CFA, Martyrs buses, school bus run organiser, local businesses, and other community groups had no involvement or input to this private meeting. Why was tourism chosen over the safety concerns of the community and residents?*

### **Helen Ruddell, Acting Director Communities:**

*Thank you for your question.*

*A meeting was called by CEDA, Council was invited and attended the meeting.*

*The Department of Transport coordinated a public meeting 3 April 2023, which was available for all community to attend. The Warburton Valley CEDA membership includes businesses and organisations with an economic interest of the communities in Warburton Valley.*

*These meetings don't suggest a preference for tourism over community safety.*

## **QUESTION 6**

### **Anonymous asked:**

*I have emailed the council about events being cancelled that in Warburton until the road is fully open with double lanes. I have had no response as I am aware that there are events planned that council have said are not.*

*For public safety I request that council please cancel all events in Warburton and beyond until the highway is open up to double lanes again.*

### **Helen Ruddell, Acting Director Communities:**

*Thank you for your question.*

*There are no registered community events during the road closure period that Council is aware of. There are two Council programmed events scheduled for Arts Centre Warburton during this time.*

*These events have not been cancelled as it was considered important to provide local opportunities for social interaction. All ticket holders have been advised of the road works and have been encouraged to allow additional travel time and follow safety advice.*

There were no Submissions listed on the Agenda for this meeting.

## **9 PETITIONS**

*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.*

There were no Petitions received for this meeting.

## 10 BUSINESS PAPER

### 10.1 Planning Application YR-2022/782 - 1A Gear Avenue Mt Evelyn

#### SUMMARY

The proposal is for the use and development of the land for a child care centre, the removal of four trees from the subject land and one road reserve tree to accommodate the accessway to the site.

The child care centre will accommodate 96 children and provides 705 square metres of outdoor play area. The two-storey building has a contemporary built form, with a visually interesting combination of materials, articulated wall and roof articulation, with flat and skillion roofs. Twenty one car parking spaces are proposed to support the development, which complies with the requirements of Clause 52.06 Car Parking.

The trees to be removed are a combination of exotic deciduous and conifer species, an Australian native and indigenous species. A landscaping plan (attachment 4) has been provided with the application which shows the replanting of two canopy trees on site and a variety of shrubs within the rear, front and side setbacks.

To manage amenity impacts from noise, a two-metre-high acoustic fence is proposed along the western and southern interfaces at ground level and to the first floor external play area.

A waste management plan accompanies the proposal which shows a dedicated area for the storage of bins, to be collected outside of centre operating hours by a private waste operator.

The application has received 18 objections, with the main concerns including traffic impacts on Gear Avenue and the surrounding road network, vegetation impacts and tree loss, development design, and the use not being supported by the planning controls. A community consultation session resulted in further traffic investigation by the applicant, with a supplementary report submitted for consideration. The application was referred to Country Fire Authority (CFA) and Department of Transport (DOT) and both have provided consent to the application.

The proposal has been assessed against the planning scheme and on balance the development is considered to meet the requirements and should be supported, subject to conditions.

*In accordance with Governance Rule 58, Franc Smith spoke in objection of the recommendation included in the officer report.*

*In accordance with Governance Rule 58, Cameron Bloomfield and Henry Wood spoke in support of the recommendation included in the officer report.*

*Cr Heenan moved a motion alternate to that printed in the agenda.*

Moved: Cr Heenan

Seconded: Cr Cox

*That Council resolve to refuse Planning Application YR-2022/782 for the use and development of a child care centre and associated vegetation removal (including road reserve tree) at 1A Gear Avenue, Mount Evelyn and issue a Notice of Refusal on the following grounds:*

- 1. The proposal does not respond to State Planning Policies within the Yarra Ranges Planning Scheme as the development fails to:*
  - a. ensure the interface between public and private realm enhances personal safety,*
  - b. the design and location of publicly accessible spaces does not create a safe environment for users,*
  - c. the development, including signs, does not minimise detrimental impacts on amenity and the natural built environment and on the safety and efficiency of roads, and*
  - d. neighbourhood character and sense of place is not adequately protected.*
- 2. The development fails to respond to Clause 18.0-1S as it does not facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure, and does not protect the existing transport infrastructure from unreasonable detrimental impact.*
- 3. The proposal fails to respond to Clauses 11, 12, 13, 15 of the Yarra Ranges Planning Scheme, as the proposed development:*
  - a. fails to contribute to a sense of place;*
  - b. is of a scale or intensity which will detract from the amenity of the residential neighbourhood;*
  - c. the scale of the building is out of context with the existing dwellings and neighbourhood character of the immediate area;*
  - d. is inappropriately located in a low residential area;*
  - e. increases risk to life in a bushfire situation;*
  - f. introduces unacceptable noise impacts into a residential neighbourhood;*
  - g. is an incompatible use for the neighbourhood; and*
  - h. the setbacks create adverse impacts on adjoining residential lots.*
- 4. The proposal fails to meet the purpose of Clause 32.03 Low Density Residential Zone in that the proposed built form does not respond to the Planning Policy Framework.*
- 5. The proposal is inconsistent with Clause 42.03 Significant Landscape Overlay, Schedule 22, as:*
  - a. The development fails to recognise or conserve the environmental and visual sensitivity of the residential area. The height and prominence on the streetscape fails to be inconspicuous in profile and dominates the landscape;*

- b. *The development is not sensitive to the natural characteristics of the land in that the proposed building is excessively high, visually bulky and out of character in the immediate residential fabric; and*
  - c. *Setbacks are not generous and consistent with nearby dwellings;*
  - d. *Site coverage is excessive and is not consistent with nearby dwellings;*
  - e. *The development unduly impinges on the existing vegetation and detrimentally impacts retained trees both onsite and offsite.*
6. *The Development conflicts with Clause 43.02 – Design and Development Overlay, Schedule 2 as the development fails to:*
- a. *Maintain a low rise character of the town centre;*
  - b. *The development exceeds 8m in height;*
  - c. *Creates visual expanse of roof line and lacks visual interest;*
  - d. *Fails to appropriately respond to the slope of the site to minimise visual bulk; and*
  - e. *Fails to make a positive contribution to the character of the town centre due to the visual bulk viewed from Wray Crescent.*
7. *The proposal is inconsistent with Clause 52.06 - Carparking, in particular:*
- a. *The street network cannot reasonably accommodate the proposed use and increased 217% traffic flow on the lower order road resulting in a cumulative demand which cannot be accommodated without unreasonable detriment;*
  - b. *That overflow car parking on residential streets will result in an unreasonable amenity impacts and additional car parking demand on the surrounding residential area;*
  - c. *The increased traffic as a result of the development does not achieve a safe, functional environment for users;*
  - d. *The cumulative impacts of the development with surrounding land uses have not been adequately addressed to ensure safe and efficient use of the road network;*
  - e. *The proposed safety treatments do not mitigate safety concerns for pedestrians and motorists of Gear Avenue and the York Road/Gear Avenue signalised intersection;*
  - f. *The development fails to respond to the role and function of nearby roads and the ease and safety with which vehicles access and egress the site.*
  - g. *The proposal will create increased traffic flows along the Gear Avenue and View Street to a road network that is a single road width, gravel road.*
  - h. *The potential to create impacts on the turning area along York Road Service lane from traffic off View Street will create unacceptable risk to motorists and pedestrians.*
8. *The proposal is inconsistent with the decision guidelines in Clause 65.01.*

The motion was lost.

*Cr Heenan called for a division:*

In Favour: Cr Cox, Cr Heenan, and Cr Higgins

Against: Mayor Child, Deputy Mayor Todorov, Cr Fullagar and Cr McAllister

Absent: Cr Eastham and Cr Skelton

**Moved: Cr McAllister**  
**Seconded: Cr Fullagar**

*That Council resolve to approve Planning Application YR-2022/782 for the use and development of a child care centre and associated vegetation removal (including road reserve tree) at 1A Gear Avenue, Mount Evelyn and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.*

**The motion was Carried.**



## 10.2 Lilydale Lake Draft Master Plan Release for Public Consultation

### SUMMARY

This report seeks Council's approval to release the Draft Lillydale Lake Master Plan (the draft Master Plan) for public consultation. The draft Master Plan has been developed following consultation with user groups and broadly through Council departments. The intention is to seek community feedback on the draft Master Plan.

The draft Master Plan provides a 15-year strategic approach to improving the recreation facilities and features at Lillydale Lake Park in response to identified community needs, opportunities and population growth projected in the area.

Improvements recommended for community consideration include an upgrade to the water access and viewing facilities, exercise area, accessible seating and picnic spaces, informative indigenous and wayfinding signage.

The community will also benefit from stronger path linkages to the main Lilydale shopping precinct, Warburton Rail Trail, expanding Box Hill Institute and new Lilydale Quarry Redevelopment (Kinley Development).

**Moved: Cr Todorov**

**Seconded: Cr Cox**

*That Council*

1. *Approve the release of the Draft Lillydale Lake Master Plan for community consultation and engagement in May – June 2023 for a period of five weeks.*
2. *Note that consultation findings will be presented back at a future Council meeting.*

**The motion was Carried unanimously.**

### 10.3 Municipal Emergency Management Plan Assurance Approval

#### SUMMARY

Under the Emergency Management Act 2013, the Municipal Emergency Management Plan (MEMP) is reviewed and updated every three years under the auspice of the multi-agency Municipal Emergency Management Planning Committee (MEMPC).

In December 2020 the requirements for the MEMP endorsement changed to an assurance process that takes holistic consideration of MEMP arrangements enabling all emergency management agencies to engage with the review and assurance of the MEMP.

In March 2023 the MEMPC submitted the Yarra Ranges MEMP 2023-26 for assurance endorsement to the endorsing authority, the Regional Emergency Management Planning Committee (RMEPC). The MEMPC was notified of the RMEPC endorsement of assurance statement on 16<sup>th</sup> March 2023.

The Municipal Emergency Management Planning Committee (MEMPC) presents the 2023-26 MEMP for noting at this Council meeting.

**Moved: Cr Fullagar**

**Seconded: Cr Todorov**

*That Council note*

- 1. The Yarra Ranges Municipal Emergency Management Plan 2023-2026 has been endorsed by the Eastern Region Emergency Management Planning Committee.*
- 2. Successful endorsement establishes locally informed Emergency Management Planning arrangements for all hazard emergencies in Yarra Ranges.*

**The motion was Carried unanimously.**

## 10.4 Japara Hub Extension to Agreement

### SUMMARY

Japara Neighbourhood House Inc (Japara) is a not-for-profit organisation in Kilsyth that is funded by Council to deliver a range of services and activities.

Council and Japara have been in partnership for many years with formal agreements dating back to 1994. This is a long standing partnership with strong alignment of priorities around quality service provision, responsive and sustainable services and managing the Hub facility. The focus is on delivering positive community engagement and outcomes.

In order for Japara to operate the facility, there is a Hub Management Partnership Funding Agreement in place (1 July 2018 – 30 June 2023). Funding in the 2022-23 financial year is \$70,000.

A review commissioned by Council to address financial, operational and relational agreements and interactions with Japara is underway to provide recommendations that support the ongoing viability of Japara and the services it provides to the community.

Whilst the review is in its final stages, in order to provide surety to Japara of their ongoing operation, a six-month extension of the current agreement is sought to enable consideration of report recommendations and potential implementation plan.

A report to Council outlining the review findings is anticipated in the coming months.

**Moved: Cr Cox**

**Seconded: Cr Heenan**

*That Council endorse a six-month extension to the current Hub Management Partnership Funding Agreement (1 July 2018 – 30 June 2023) for the amount of up to \$35,000.*

**The motion was Carried unanimously.**

## 10.5 Audit and Risk Management Committee Biannual Report to Council

### SUMMARY

The Audit and Risk Management Committee (the Committee) has been established by Council under Section 53 of the Local Government Act 2020 (the Act). It is the responsibility of the Committee to provide Council with independent, objective advice and assurance on the adequacy of management arrangements as set out in the Audit and Risk Management Committee Charter (the Charter).

The Act (s.54 (5)) requires that the Committee prepare a biannual report for Council that describes their activities and includes any findings and recommendations.

The following is the biannual report of the Committee for the period ending 30 December 2022.

**Moved: Cr McAllister**

**Seconded: Cr Fullagar**

*That Council notes the Audit and Risk Management Committee Bi-Annual Report for the period 1 July 2022 to 30 December 2022.*

**The motion was Carried unanimously.**

## 10.6 Appointment and Authorisation under the Environment Protection Act 2017 & the Planning and Environment Act 1987

### SUMMARY

This report provides for an update to the formal appointment of Council officers as Authorised Officers pursuant to Section 147(4) of the Planning and Environment Act 1987 and Section 242(2) of the Environment Protection Act 2017.

Council is asked to approve the updated Instruments attached to this report.

**Moved: Cr McAllister**  
**Seconded: Cr Fullagar**

*That Council*

1. *Formally appoint the officers referred to in*
  - (a) *the Instrument of Appointment and Authorisation included at Attachment 1 to the report as an Authorised Officer, pursuant to Section 147 (4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020.*
  - (b) *the Instrument of Appointment and Authorisation included at Attachment 2 to the report as an Authorised Officer, pursuant to Section 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021.*
2. *Request that both Instruments of Appointment and Authorisation, as outlined in this recommendation, be signed and sealed by the Chief Executive Officer.*
3. *Note that both Instruments come into force immediately the common seal of Council is affixed to the Instruments and remain in force until Council determines to vary or revoke them.*

**The motion was Carried unanimously.**

## 10.7 Review of Delegations Made to Council Staff

### SUMMARY

Updates have been made to the Instrument of Delegation to members of Council staff (the Instrument) to reflect several legislative and administrative changes.

The proposed changes, shown by way of “track changes” in Attachment 1 to the report, ensure that appropriate members of Council staff holding, acting in or performing the duties of the positions described in the Instrument are nominated to act as delegates.

Council is asked to approve the updated Instrument.

**Moved: Cr McAllister**

**Seconded: Cr Child**

*In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation included at Attachment 1, Council resolves that:*

- 1. The delegations made to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff be approved, subject to the conditions and limitations specified in that Instrument.*
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than to the Chief Executive Officer) are revoked.*
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

**The motion was Carried unanimously.**

## 10.8 Purchase of 13 Green Street, Healesville

### SUMMARY

Council has been offered opportunity to purchase a 1695m<sup>2</sup> section of vacant land at 13 Green Street, Healesville (Lot 2 PS641028) from Victrack for a price equivalent to half its market value, on the provision the land remains for public open space.

Until 2018, the land had been leased by Council and maintained as a community open space, passive recreational area and meeting space, and as the site of a monthly Community Market.

In early 2023, Council received a formal offer from Victrack that it would sell Council the land for \$675,000 plus GST, which represents a discount of 50% on the current market value as determined by the Valuer General Victoria. This is on the condition that a restrictive use covenant is applied to the land, restricting its use to community open space. The proposed purchase can be funded entirely using Public Open Space Funds available to Ryrie ward.

On 14<sup>th</sup> February 2023, Council resolved to commence community engagement to seek the community views in respect of the potential purchase of the land pursuant to the provisions of section 112 of the *Local Government Act 2020*. Council's subsequent community engagement period saw 98.15% of respondents comment in favour of Council purchasing the land.

Given the overwhelmingly positive community feedback, it is recommended that Council confirm to Victrack its intent to purchase the land under the agreed terms and proceed with procedures necessary to affect the transaction and have the land transferred into Council ownership.

**Moved: Cr McAllister**  
**Seconded: Cr Todorov**

*That Council*

- 1. Note feedback received during the recent community consultation period for the proposed purchase of land at 13 Green Street, Healesville*
- 2. In accordance with Section 112 of the Local Government Act 2020, accepts the formal offer from Victrack to purchase the land at 13 Green Street, Healesville (Lot 2 PS641028), for its ongoing use as public open space at a cost of \$675,000.00 (exclusive of GST).*
- 3. Approve that the purchase be funded utilising Public Open Space Funds available to Ryrie Ward.*
- 4. Delegate authority to the Chief Executive Officer to proceed with the purchase of 13 Green Street, Healesville including the signing of all documentation relating to the purchase.*

**The motion was Carried unanimously.**

## **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 listed on the agenda for this meeting.

## **12 ITEMS THROUGH THE CHAIR**

### **12.1 ANZAC Day Services**

The Mayor thanked the Councillors for the dedication to the Services held across the municipality on ANZAC Day, he also thanked the Governance team for their support leading up to and on the day.

### **12.2 ANZAC Day Services**

Cr McAllister thanked the Governance team for their support leading up to and on the ANZAC Day, and noted the Healesville RSL raised the Aboriginal flag during the service for the first time. She was humbled to share the story of James Wandin Snr during the First World War. Cr McAllister also attended the Yarra Glen RSL Service and the Yering Primary School Service the following day.

### **12.3 ANZAC Day Services**

Cr Heenan noted the effort of the organisers of the Mount Evelyn Dawn Service and thanked the former RSL President, Roger Boness, for his role as Master of Ceremonies. He went on to thank the Mount Evelyn Football Club for their contribution to the day. Cr Heenan was honoured to represent Cr Todorov at the Mooroolbark Service held in Hookey Park.

### **12.4 ANZAC Day Services**

Cr Todorov attended the Lilydale RSL Dawn Service, attended by over 6000 people, and noted her appreciation to the Lilydale RSL President, Bill Dobson, and the school children who participated in the service.

### **12.5 ANZAC Day Services**

Cr Cox attended the Montrose Dawn Service and noted the impressive number of people who attended, particularly the number of children. Cr Fullagar also attended the Montrose Dawn service.

### **12.6 ANZAC Day Services**

Cr Fullagar attended the Ferny Creek Dawn Service and noted the moving nature of the service. In Cr Skelton's absence at the meeting Cr Fullagar acknowledged her attendance at the Upway-Belgrave RSL Dawn Service.



## 12.7 ANZAC Day Services

The Mayor acknowledged the inclusion of Wurundjeri stories in the services held across the municipality and noted the importance of acknowledging the service of Indigenous Australians.

## 13 REPORTS FROM DELEGATES

Cr Child:

- Attended the Eastern Region Group of Councils held on Wednesday 19 April 2023 at the Maroondah City Council Realm.

## 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 received for this meeting.

## 15 INFORMAL MEETING OF COUNCILLORS

**Moved: Cr Child**

**Seconded: Cr Higgins**

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

**The motion was Carried unanimously.**

## 16 URGENT BUSINESS

There was no Urgent Business received for this meeting.

## 17 CONFIDENTIAL ITEMS

*In accordance with section 66(2)(a) of the Local Government Act 2020.*

There were no Confidential Items listed on the agenda for this meeting.

**18                    DATE OF NEXT MEETING**

There being no further business the meeting was declared closed at: 9.00 pm.

Confirmed this day, Tuesday, 9 May 2023.

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**Councillor Jim Child (Mayor)**