



Council Meeting

Minutes

Tuesday, 28 November 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

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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.

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CONTACT US

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Index to Minutes

ITEM	PAGE NO
1. COUNCIL MEETING OPENED	5
2. ACKNOWLEDGEMENT OF COUNTRY	5
3. INTRODUCTION OF MEMBERS PRESENT	5
4. APOLOGIES AND LEAVE OF ABSENCE	5
5. MAYORAL ANNOUNCEMENTS.....	5
6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	6
7. DISCLOSURE OF CONFLICTS OF INTEREST	6
8. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC.....	6
9. QUESTIONS FROM THE PUBLIC	6
10. SUBMISSIONS FROM THE PUBLIC	8
11. PETITIONS.....	9
12. BUSINESS PAPER	11
12.1 Planning Application YR-2023/614 - Kingswood Drive (Road Reserve), Chirnside Park - Planning Report.....	11
12.2 Warburton Urban Design Framework – Post-Consultation and Consideration	13
12.3 Monbulk Urban Design Framework - Post - Consultation and Consideration	15
12.4 Neighbourhood Safer Places	16
12.5 CT7369 – Microsoft 365 Licensing Agreement State Purchase Contract DPC-ICT-04- 2020	17
12.6 Quarterly Finance Report - September 2023	18
12.7 Gruyere Road, Gruyere - Road Construction	19
12.8 Maddens Lane, Gruyere- Road Rehabilitation	20
12.9 EO16105 7181 Cedar Court, Burns Way (Includes harvest Close), Loch Avenue, Mayview Drive, Monbulk	21
13. COUNCILLOR MOTIONS	22
14. ITEMS THROUGH THE CHAIR.....	22
15. REPORTS FROM DELEGATES	22
16. DOCUMENTS FOR SIGNING AND SEALING	23
17. INFORMAL MEETING OF COUNCILLORS.....	23
18. URGENT BUSINESS	23
19. CONFIDENTIAL ITEMS	23
20. DATE OF NEXT MEETING	24

YARRA RANGES COUNCIL

MINUTES FOR THE 594TH COUNCIL MEETING HELD ON TUESDAY, 28 NOVEMBER 2023 COMMENCING AT 7.00 PM COUNCIL CHAMBER - CIVIC CENTRE AND VIA VIDEOCONFERENCE

1 COUNCIL MEETING OPENED

The Deputy Mayor declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 INTRODUCTION OF MEMBERS PRESENT

Councillors

Councillor David Eastham (Deputy Mayor)
Councillor Andrew Fullagar
Councillor Fiona McAllister
Councillor Tim Heenan
Councillor Richard Higgins
Councillor Jim Child
Councillor Johanna Skelton
Councillor Len Cox OAM

Officers

Tammi Rose, Chief Executive Officer
Hjalmar Philipp, Director Built Environment & Infrastructure
Jane Price, Director Communities
Andrew Hilson, Director Corporate Services
Nathan Islip, Acting Director Planning and Sustainable Futures

4 APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Sophie Todorov (Mayor).

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

Moved: Cr Eastham

Seconded: Cr Child

That the Minutes of the Council Meetings held Tuesday 24 October 2023 and Tuesday 14 November 2023, as circulated, be confirmed.

The motion was Carried unanimously.

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.

Cr Fullagar declared a general interest in respect of Item 10.5 - CT7369 – Microsoft 365 Licensing Agreement State Purchase Contract DPC-ICT-04-2020, as he is a shareholder in Data#3.

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.

QUESTIONS FROM THE PUBLIC

QUESTION 1

We have received the same question from Peter Saxby of Warburton and Ellena Briggs of Millgrove. They have both asked.

The Warburton heritage tennis courts have been an integral part of our community for 120 years. Could you provide insight into the reasoning behind the decision to relocate these historic tennis courts, against community wishes? The significance of these courts is substantial, and their removal will impact all Warburton, and forever destroy the village setting of this important community asset. The rationale behind this and exploring potential alternatives would be appreciated by residents.

Nathan Islip, Acting Director Planning and Sustainable Futures:

Peter and Ellena, Thank you for your questions.

We acknowledge the heritage courts have had a long and important role in supporting the community for many generations. The Warburton Urban Design Framework proposes to balance the townships rich history whilst best preparing for future generations. The relocation of the existing tennis courts from their current location at the centre's entrance to the Recreation Reserve. This relocation will help facilitate safety and congestion solutions advocated for by community in consultations through an extension of Thomas

Avenue while delivering space for an increase in provision from two courts to four new courts.

These new courts would be developed to competition standard with improved amenities, spectator provisions and shelter. The heritage pavilion and adjacent heritage swing bridge will remain in their current location and be embellished through new community open space while retaining the character.

QUESTION 2

Donna Kollner of Montrose asked;

I was reading about the Urban design framework, and noticed a paragraph stating that you were to "inform the community and stakeholders of what an Urban design framework is.

So if we are the community then who are the stakeholders?

Nathan Islip, Acting Director Planning and Sustainable Futures:

Thank you for your question, Donna,

The term 'community' refers generally to residents and traders within Warburton, however there are a vast range of individuals and organisations who also are important during consultation such as land-owners, business owners, community groups and government agencies or authorities. These are typically referred to as 'Stakeholders' as they have an interest but may not be geographically located within the centre.

QUESTION 3

Ellena Biggs of Millgrove asked;

Can the Director of Planning confirm when the Council will undertake a Heritage Study to identify additional sites with heritage significance in Warburton and surrounding areas and include these sites in a Heritage Overlay through a future Council Planning Scheme amendment as was stated to me in a letter from Council on 7th March 2022.

Nathan Islip, Acting Director Planning and Sustainable Futures:

Thank you for your question, Ellena.

Council's Warburton Place Plan contains a heritage related action to. "Identify all significant Heritage sites within Warburton and surrounding areas and prepare for inclusion in any Heritage controls".

It is planned that in early 2024 Council will commence work on a heritage study that will focus on several townships including Warburton and Monbulk and surrounding areas. With an aim to investigate further sites for heritage protection in the Yarra Ranges planning scheme. This process involves investigation of potential sites (previously nominated places and those identified in previous studies) by a qualified heritage consultant to determine if they meet the threshold criteria set by the State Government for inclusion for local heritage protection.

Following completion of a publicly exhibited heritage study, a planning scheme amendment can commence.

QUESTION 4

Nick Clarke of Warburton asked;

Warburton functions well for the 340 days of the year that aren't hot summer days. So why are the other 25 days of the year weighted with such importance, at the expense of the rest of the year when we -- the locals who are being asked to pay for this diminishing of natural beauty, this fouling of our town's essence -- are already happily catered for here? Do you really believe this skewed ratio of priorities services the majority of locals, or is council's agenda exclusively touristic?

Nathan Islip, Acting Director Planning and Sustainable Futures:

Thank you for your question, Nick,

The Warburton Urban Design Framework or UDF takes a holistic approach to the pressures currently being experienced in Warburton, with tourism being just one of many considerations. The UDF is vital in ensuring that new buildings, parks, bike paths, public areas, and businesses are developed in accordance with set standards for safety, sustainability, accessibility, and environmentally-friendly infrastructure. The UDF seeks to ensure that new developments fit into the existing environment without hindering liveability for those living in the area.

In finalising the UDF a balanced approach is proposed that does not change the existing planning controls such as development height limits, development footprint or change to zoning. It includes projects that address community needs such as accessibility, amenity, public open space and environment responsive landscape treatments.

SUBMISSIONS FROM THE PUBLIC

Wheelchair Accessible Track Along the Birrarung (Yarra River)

Ivor Wolstencroft spoke regarding current conditions along the Birrarung (Yarra River) Warburton. He proposed an audit of Warburton by Victoria Walks with a view to the creation of a Wheelchair Accessible Loop around the Birrarung (Yarra River) Warburton.

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.

SUMMARY

The following petition be received:

General Petitions

1. Request for the naming of park area between the Adventcare Aged Home, 5 Woods Point Rd, Warburton and the Yarra River, Warburton. 34 valid signatures.
2. Request the removal of traffic side posts on lower sealed section of Gleghorn Road, Kallista. 20 valid signatures.
3. Request additional consultation before commencing any work at the Country Fire Authority site located at 79 Edward Rd, Churnside Park. This pertains specifically to the construction of a Fire Hose Drying Tower or a similar structure. 126 valid signatures.

In accordance with Governance Rule 58, Clayton Hugo, spoke in support of the recommendation included in the officer report.

Tammi Rose, Chief Executive Officer read the following statement in relation to the petition regarding 79 Edward Rd Chirnside Park Country Fire Authority site:

Before we proceed, I would like to provide context in relation to this petition.

There are currently no decisions for Council to make on the upgrading works currently underway at the CFA station at 79 Edward Road, Chirnside Park.

I can confirm there have been two separate processes lodged with Council, both of which have been finalised, and which both included statutory consultation periods.

The first was a public planning application process to view the plans and submit any concerns or suggestions to Council. The matter underwent full advertising with one objection received. No appeal was lodged with VCAT and the planning permit was issued, with current works underway. Permission for the 19m high hose drying tower was granted however also required permission under the building regulations.

The second process is known as a "report and consent" request. The CFA required specific consent under the building regulations involving adjoining land owners not the broader community.

The landowners concerns raised during this process were relayed to the CFA, who withdrew their request for the hose drying tower.

I appreciate that the fact having two processes, planning then building, one after the other, can cause confusion. In summary, the planning process is for the broader community to participate. The recent Report and Consent request under the Building Act is only for the immediately abutting neighbours.

I am confident the correct consultation, at the right time, in the two separate processes has occurred.

Now that the Report and Consent process under the Building regulation has been withdrawn, the hose drying tower will not be constructed, unless the CFA come back to Council for another report and consent application in the future. The remaining approved building works are permitted to continue.

Whilst I have outlined the statutory process that guide Council role. I note the petition submitted has high public interest and as such it has been included in tonight's Council papers for you to speak to.

In accordance with Governance Rule 58, David Krietemeyer, spoke in support of the recommendation included in the officer report.

Moved: Cr Child

Seconded: Cr McAllister

That the following General Petitions be received and noted and referred to the appropriate officer:

- 1. Request for the naming of park area between the Adventcare Aged Home, 5 Woods Point Rd, Warburton and the Yarra River, Warburton.*
- 2. Request the removal of traffic side posts on lower sealed section of Gleghorn Road, Kallista.*
- 3. Request additional consultation before commencing any work at the Country Fire Authority site located at 79 Edward Rd, Churnside Park. This pertains specifically to the construction of a Fire Hose Drying Tower or a similar structure.*

The motion was Carried unanimously.

10 BUSINESS PAPER

10.1 Planning Application YR-2023/614 - Kingswood Drive (Road Reserve), Chirnside Park - Planning Report

SUMMARY

The proposal seeks to remove a single tree (River She Oak) which is sited on the road reserve of Kingswood Drive (abutting 8 Kingswood Drive), Chirnside Park.

A planning permit to remove the tree is required under the Clause 42.03 – Significant Landscape Overlay, Schedule 23 and under Clause 44.01 Erosion Management Overlay.

The application has been referred internally to Council's Consulting Arborist, Environment Department and Geotechnical Engineer. Council's Arborist has found that the removal of the tree is not warranted on the basis that there is no arboricultural reason.

Notice of the application was not required under Clause 52.31 – Local Government Projects, as the application has been submitted by a municipal council (Yarra Ranges Shire Council).

The tree has been assessed as being a mature tree with a high amenity value and of a fair health. The proposed tree removal is not supported when assessed against the relevant planning policy framework including Municipal Planning Strategy and the Planning Policy Framework, Zone, Significant Landscape Overlay and Particular Provisions of the Yarra Ranges Planning Scheme.

Therefore, it is recommended that a Notice of Refusal be issued.

In accordance with Governance Rule 58, Courtney Stewart and Byron Stewart spoke in objection to the recommendation included in the officer report.

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

Moved: Cr Higgins

Seconded: Cr Heenan

That Council resolve to approve Planning Application YR-2023/614 for Tree Removal at Kingswood Drive Road Reserve (abutting 8 Kingswood Drive), Chirnside Park and issue a Planning Permit subject to the conditions below:

- 1. The development as shown on the endorsed plans must not be altered or modified (unless the Yarra Ranges Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.*
- 2. The stump must be removed and the hole backfilled with compacted material to be slightly mounded so that water does not pond or pool to the satisfaction of the Responsible Authority.*
- 3. Within three (3) months of the tree being removed, two (2) replacement canopy trees must be planted within the Kingswood Drive road reserve, in accordance with the following requirements:*
 - a) At least one of the two replacement trees must be planted in the road reserve abutting 8 Kingswood Drive; and*

- b) *The second replacement tree may be planted in the road reserve immediately abutting and/or in reasonable proximity to 8 Kingswood Drive, Chirnside Park so as to provide a replacement street tree canopy to the local area.*

Trees selected must be middle and/or upper storey trees from Vegetation Community 38 – Yellow Box Valley Grassy Forest – Middle Yarra (EVC 47) to the satisfaction of the Responsible Authority.

4. *This permit will expire if one of the following circumstances applies:*

- a) *The vegetation removal is not started in accordance with the conditions of this permit within two years of the date of this permit; or*
- b) *The vegetation removal and replacement planting is not completed in accordance with the conditions of this permit within four years of the date of this permit.*

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit of the commencement date.

An extension of time to complete the development may be requested if:

- *The request for an extension of time is made within 12 months after the permit expires; and*
- *The development or stage started lawfully before the permit expired.*

NOTES:

The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority, under this or any other Act, Regulation or Local Law.

The motion was Carried.

10.2 Warburton Urban Design Framework – Post-Consultation and Consideration

SUMMARY

Council resolved on 13 December 2022 to place the draft Warburton Urban Design Framework on public exhibition between 16 December 2022 to 24 February 2023. The Framework provides practical design solutions to realise the intent of the design, development, and public realm actions contained in the Warburton Place Plan.

The comprehensive engagement undertaken has resulted in extensive Community feedback with 335 written submissions composed of over 1,800 comments, which have been assessed and documented within this report. The relevant feedback has been utilised to inform edits and updates to develop a proposed final version of the Warburton Urban Design Framework.

This report informs Councillors on the engagement process and proposed changes to the draft Warburton Urban Design Framework to enable consideration for adoption of the final Warburton Urban Design Framework.

In accordance with Governance Rule 58, John Champion spoke in objection to the recommendation included in the officer report.

In accordance with Governance Rule 58, David Pratt spoke in support of the recommendation included in the officer report.

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

Moved: Cr Child

Seconded: Cr Eastham

That Council

- 1. Note the findings from community consultation and the changes shown in Attachment 2 – Marked Up Draft Warburton Urban Design Framework.*
- 2. Adopt the Warburton Urban Design Framework in accordance with the Attachment 3 - Proposed Final Warburton Urban Design Framework.*
- 3. Write to submitters to thank them for their engagement and advise them of the outcome of the Council Meeting.*
- 4. Officers, in collaboration with key authorities and the Warburton Emergency Planning Group, investigate options for a Place-Based Emergency Assessment for Warburton that identifies risks and mitigation measures to inform future projects and infrastructure planning.*

The motion was Lost.

Cr Heenan called for a division.

In Favour: Cr Child, Deputy Mayor Eastham and Cr Higgins,

Against: Cr Cox, Cr Fullagar Cr McAllister, Cr Heenan and Cr Skelton

Absent: Mayor Todorov

McAllister moved a motion alternate to that printed in the agenda.

Procedural Motion

Moved: Cr McAllister

Seconded: Cr Child

That decision on the matter be deferred until the 26 March 2024 Council Meeting to allow for further, targeted consultation, with key community groups including the Warburton Tennis Club.

The motion was Carried unanimously.

The Mayor called for the meeting to be adjourned at 9.26pm.

The meeting resumed at 9.32pm with all Councillors present.

10.3 Monbulk Urban Design Framework - Post - Consultation and Consideration

SUMMARY

The draft Monbulk Urban Design Framework (Monbulk UDF) was previously reported to Council on 13 December 2022. The Framework provides practical design solutions to realise the intent of the design, development, and public realm actions within the Monbulk Structure Plan.

At its meeting on 13 December 2022, Council resolved to place the draft Monbulk UDF on public exhibition between 16 December 2022 and 12 March 2023, in line with the proposed Communications and Engagement Plan. The comprehensive engagement undertaken has resulted in extensive Community feedback, with 448 submissions composed of 2,303 comments, which has been assessed and documented within this report. The relevant feedback has then been utilised to develop a final version of Monbulk UDF. This report provides Council an overview of the feedback from the Community Consultation and how this has informed the preparation of the updated version of the Monbulk UDF, which is recommended for formal adoption.

In accordance with Governance Rule 58, Stan Giles spoke in objection to the recommendation included in the officer report.

In accordance with Governance Rule 58, Aimee te Boekhorst, spoke in support of the recommendation included in the officer report.

Moved: Cr Child

Seconded: Cr Heenan

That, in accordance with Rule 21 of the Governance Rules, the meeting be extended by 30 minutes to 10.30pm.

The motion was Carried unanimously.

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

Moved: Cr Eastham

Seconded: Cr McAllister

That Council

- 1. Note the findings from community consultation and the changes shown in Attachment 2 – Marked Up Draft Monbulk Urban Design Framework.*
- 2. Adopt the Monbulk Urban Design Framework generally in accordance with the Attachment 3 - Proposed Final Monbulk Urban Design Framework, updated with removal of the annotation referring to “Potential future residential development” at the north-west corner of the proposed Village Green on page 59.*
- 3. Write to submitters to thank them for their engagement and advise them of the outcome of the Council Meeting.*

The motion was Carried unanimously.

10.4 Neighbourhood Safer Places

SUMMARY

This report outlines the status of Bushfire Shelter options within the municipality of Yarra Ranges.

Annual Audits have been completed for the existing 18 designated Bushfire Neighbourhood Safer Places (NSP) - Bushfire Places of Last Resort. The 18 sites are designated NSP's and comply with the mandatory assessment criteria. As such, all 18 sites will maintain their status as designated NSP's for the 2023/24 fire danger period.

Three (3) existing Community Fire Refuges (CFRs) remain commissioned by Emergency Management Victoria (EMV) and will be retained within the municipality. These buildings are state owned managed assets, listed on both the Country Fire Authority (CFA) and Yarra Ranges Council websites.

No additional NSP or CFR sites have been established for the 2023/2024 fire danger period.

Moved: Cr McAllister
Seconded: Cr Skelton

That Council

- 1. Note the eighteen (18) Neighbourhood Safer Places remain designated for the 2023/2024 fire danger period, and;*
- 2. Note the three (3) Community Fire Refuges managed by Emergency Management Victoria remain designated for the 2023/2024 fire danger period.*

The motion was Carried unanimously.

**10.5 CT7369 – Microsoft 365 Licensing Agreement State Purchase Contract
DPC-ICT-04-2020**

SUMMARY

This report seeks approval to appoint a provider for the provision of Microsoft Licensing in accordance with the Department of Premier and Cabinet (DPC) State Purchase Contract DPC-ICT-04-2020 that complies with Section 108 of the Local Government Act 2020, specifically:

- CT7369 – Microsoft 365 E5 Licensing contract with vendor Data#3 to the value of \$1.78 million (ex-GST).

Cr Fullagar left the meeting at 10.04pm prior to consideration of the item, having declared a conflict of interest in this item.

Moved: Cr Skelton

Seconded: Cr McAllister

That

1. *Council accepts DPC's Whole of Victorian Government Microsoft Licensing State Purchase Contract DPC-ICT-04-2020, starting on 1 January 2024 for a period of two years and three months, which aligns to the Department of Premier and Cabinet contract end-date of 31 March 2026.*
2. *The Director Corporate Services be delegated the authority to sign the contract documents CT7369 – Microsoft 365 Licensing Agreement with vendor Data#3, as Council's incumbent Microsoft licensing provider.*
3. *The Director Corporate Services be delegated authority to extend the contract term in line with any amended terms proposed by DPC.*
4. *The confidential attachments to this report remain confidential indefinitely as they relate to matters specified under Section 3(1) (g)(i),(g)(ii) of the Local Government Act 2020.*

The motion was Carried unanimously.

Cr Fullagar return to the meeting at 10.08 after a vote had been taken.

10.6 Quarterly Finance Report - September 2023

SUMMARY

The attached quarterly finance report and capital works report have been prepared as of 30 September 2023. The report includes financial year-to-date data up to quarter one of the 2023-2024 financial year and is compared to the adopted budget for the full year to 30 June 2024.

Moved: Cr Fullagar
Seconded: Cr Higgins

That Council

- 1. Receives and notes the Finance Report for the three months from 1 July 2023 to 30 September 2023 for the purpose of Section 97 of the Local Government Act 2020.*
- 2. Approves and adopts the Capital Works Transfers as outlined in the September Quarterly Capital Works Report.*

The motion was Carried unanimously.

10.7 Gruyere Road, Gruyere - Road Construction

SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract for the Gruyere Road, Road Rehabilitation works from Darling Road to Harvey Close, Gruyere.

The Evaluation Panel recommends the tender from TDM Earthworks Pty Ltd be accepted for a lump sum contract amount of \$1,158,959.98 exclusive of GST and inclusive of all adopted provisional items (\$1,274,855.98 inclusive of GST and inclusive of all adopted provisional items). The works includes pavement reconstruction, drainage, spray seal and line marking works.

Moved: Cr McAllister
Seconded: Cr Heenan

That

1. *Council accepts the tender from TDM Earthworks Pty Ltd to EOI6105 7334 Gruyere Road, Gruyere – Road Construction for a total lump sum of \$1,158,959.98 exclusive of GST and inclusive of all adopted provisional items (\$1,274,855.98 inclusive of GST and inclusive of all adopted provisional items).*
2. *Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.*
3. *The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.*

The motion was Carried unanimously.

Moved: Cr Fullagar
Seconded: Cr Cox

That, in accordance with Rule 21 of the Governance Rules, the meeting be extended by 30 minutes to 11.00pm.

The motion was Carried unanimously.

10.8 Maddens Lane, Gruyere- Road Rehabilitation

SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract for the stage one of Maddens Lane Road Rehabilitation works.

Maddens Lane, Gruyere (Maroondah Highway to Medhurst Road) is listed under the Roads Rehabilitation & Renewal Program within the Yarra Ranges Council Capital Expenditure Program with an allocated funding of \$2,050,000 across two financial years 2023/2024 (\$972,000) and 2024/2025 (\$1,078,000).

This project is to be delivered in stages over two financial years in 2023/2024 and 2024/2025.

The evaluation panel recommends the tender from Prestige Paving Pty Ltd be accepted for a lump sum contract amount of \$1,249,839.44 GST exclusive and inclusive of provisional items (\$1,374,823.38 GST inclusive).

Moved: Cr McAllister

Seconded: Cr Child

That

- 1. Council accepts the tender from Prestige Paving Pty Ltd to EOI6105 7359 Maddens Lane Road Rehabilitation works for a total lump sum of \$1,249,839.44 GST exclusive and inclusive of provisional items (\$1,374,823.38 GST inclusive).*
- 2. Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.*
- 3. The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.*

The motion was Carried unanimously.

10.9 EOI6105 7181 Cedar Court, Burns Way (Includes harvest Close), Loch Avenue, Mayview Drive, Monbulk

SUMMARY

This report summarises the quotation evaluation process for the Cedar Court Group, Monbulk - Road Improvement Special Charge Scheme and seeks Council approval to award the contract for construction to TDM Earthworks Pty Ltd.

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas.

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, Council's ability to construct all roads on the endorsed priority list will not be possible.

At its meeting on 11 April 2023, Council considered a report for seven Special Charge Schemes that will proceed to construction. Cedar Court Road Group Monbulk was included in one of the seven groups of Special Charge Schemes to proceed to construction.

Landowner support has been sought and obtained for construction of the roads Loch Avenue, Burns Way, Mayview Drive, Harvest Close and Cedar Court, Monbulk, in accordance with Council's Special Charge Scheme Policy. The project has been listed in Council's 2023/24 Capital Expenditure Program.

The Special Charge Scheme Statutory Process has been successfully completed and the project is ready for construction.

Moved: Cr Eastham

Seconded: Cr Fullagar

That

1. *Council accepts the tender from TDM Earthworks Pty Ltd for the total lump sum price of \$1,219,978.41 (GST exclusive), \$1,341,976.25 inclusive of GST and all provisional items as defined in this proposal.*
2. *Council approves the Director of Built Environment and Infrastructure be delegated the authority to sign the contract documents.*
3. *The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.*

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 Mt Evelyn Street Party

Cr Heenan thanked the Council for their support at the Mt Evelyn Street Party held on Sunday 29 October 2023. Cr Heenan noted the positive feedback from community and stallholders. Cr Heenan hoped for the same success for the upcoming Lilydale Street Fair & Festival being held on Saturday 2 December 2023.

13 REPORTS FROM DELEGATES

Cr Skelton

- Attended the Municipal Emergency Management Planning Committee meeting held on Wednesday 15 November 2023 at the Yarra Ranges Council Civic Centre, Lilydale. Cr Child also attended.
- Attended the Eastern Alliance for Greenhouse Action meeting held on Thursday 23 November 2023 via videoconference.

Cr Fullagar

- Attended the Eastern Transport Coalition meeting held on Thursday 16 November 2023 via videoconference.

Cr Cox

- Attended the Kilsyth Festival on Sunday 26 November 2023 held at the Elizabeth Bridge Reserve, Kilsyth

Cr McAllister

- Attended the Audit and Risk Management Committee meeting held on Monday 28 November 2023 at the Yarra Ranges Council Civic Centre, Lilydale. Cr Child also attended.

Cr Eastham

- Attended the Burrinja Cultural Centre Annual General Meeting and Board Meeting held on Monday 28 November 2023 at the Burrinja Cultural Centre, Upway.

14 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY

It is requested that the following document be signed and sealed:

Letter Under Seal - Sue Thompson

A letter under seal has been prepared in recognition of Sue Thompson, who has resigned as President of Lilydale & District Historical Society after 37 years of service.

Moved: Cr Cox

Seconded: Cr Heenan

That the following listed document be signed and sealed:

Letter Under Seal - Sue Thompson

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Fullagar

Seconded: Cr Skelton

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: 10.27 pm.

Confirmed this day, Tuesday, 12 December 2023.

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Councillor David Eastham (Deputy Mayor)

