



Council Meeting

Minutes

Tuesday, 12 July 2022
Civic Centre, 15 Anderson Street, Lilydale

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the Traditional Owners, the Wurundjeri People, as the Custodians of this land. We also pay respect to all Aboriginal community Elders, past and present, who have resided in the area and have been an integral part of the history of this region.



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 Communities, Jane Price
Director Corporate Services, Andrew Hilson
Director Recovery, Jane Sinnamon

Director Environment & Infrastructure,
Mark Varmalis
Director Planning Design & Development,
Kath McClusky

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>

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>

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The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 562ND COUNCIL MEETING HELD ON TUESDAY, 12 JULY 2022
COMMENCING AT 7.00 PM CIVIC CENTRE, 15 ANDERSON STREET, LILYDALE

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

Officers

Jane Price, Acting Chief Executive Officer
Andrew Hilson, Director Corporate Services
Jane Sinnamon, Director Recovery
Kim O'Connor Acting Director Environment & Infrastructure
Ben Waterhouse, Acting Director Communities
Amanda Kern, Acting Director Planning, Design and Development

4 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

5 MAYORAL ANNOUNCEMENTS

SIMON CLARKE - TOUR DE FRANCE

The Mayor acknowledged Selby cycling veteran, Simon Clarke's Stage 5 win in the Tour de France 2022 and highlighted that Simon is the son of former Councillor Mike Clarke and further passed on his congratulations on such a wonderful accomplishment.

He then acknowledged Simon's 20 years of determination to achieve this triumph, and wished him well for the rest of the Tour de France.

VALE VAL WOODMAN

The Mayor acknowledged the passing of Val Woodman, aged 94. He spoke of Val's passionate involvement with the Upper Yarra Rotary Club, Wandin Rotary Inner Wheel and Portsea Children's Camp for disadvantaged young people from the Upper Yarra.

The Mayor also noted Val's involvement with the welfare of Karinya Village residents and spoke of the success of the not-for-profit community housing project in the O'Shannassy Ward.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Child

Seconded: Cr Eastham

That the Minutes of the Council Meeting held 28 June 2022 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.

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.

Marlene Daly, Resident of Mooroolbark, asked:

The Hull Road exit of McDonalds in Mooroolbark is both a left and right hand turn exit. Drivers who turn right out of the exit very often nearly hit pedestrians or other motorists.

For example, in 2020 a pregnant woman and her young child in a car was hit by a driver turning right out of the car park. Both cars ended up in my driveway and an ambulance was called.

What can the council do to mitigate this risk and does the council possess the authority to change the exit to a left hand turn only?

Kim O’Conner, Acting Director Environment & Infrastructure responded:

Thank you for your question, Ms Daly,

The Traffic and Transport team has conducted an investigation at the access point – From a pedestrian safety perspective, it’s been observed that the right turn movements are the safer movement compared to the left turn movement. When motorists turn left, they only have to wait for gaps in traffic from the right. This could result in vehicles motorists not seeing the pedestrians coming from the left-hand side of the access. Right turn vehicles on the other hand would have to wait for gaps in traffic in both left and right to access Hull Road – this prompt them to look at left and right.

The driveway entry/exit into McDonald’s is private Council does not have the authority to change the private turning movement. Motorists within the carpark do have the choice of using the Manchester Road accessway as an alternative exit. Further to this, as this section of Hull Road is managed by the Department of Transport, Council can only advocate for a change to be made, however we have no authority in terms of carrying this change out, as its DoT’s decision

Investigation has noted that there is vegetation near the access which impacts the view of the motorists.

Given the above, movement restrictions at the access point is not considered warranted. Council officers will liaise with the property owner (McDonalds) to prune the vegetation.

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 Peri-regional advocacy

SUMMARY

Yarra Ranges Council and Mornington Peninsula have partnered to commission a report that outlines the case for a new status: 'peri-regional', which would add to the metropolitan classification of our Local Government Areas (LGAs).

Peri-regional status would allow us to better service and support both our urban and rural areas, by:

- Acknowledging the unique mix of metropolitan and regional characteristics of Yarra Ranges and Mornington Peninsula
- Granting consistent access to relevant Victorian and Commonwealth Government funding to realise local, state and national economic potential
- Creating greater opportunities for our high-value tourism, agricultural and cultural sectors.

Moved: Cr Child

Seconded: Cr McAllister

That Council endorses Council's advocacy to the Victorian Government for a new status, 'peri-regional', that retains our metropolitan classification and grants consistent access to relevant regional funding programs to better support our regional needs.

The motion was Carried.

10.2 Proposed Amendments to Seek Interim and Permanent Heritage Overlay Controls in Lilydale

SUMMARY

Through early work on preparing a new Lilydale Structure Plan, it was identified that there are a number of properties in Lilydale with potential heritage significance that are not protected by a Heritage Overlay (HO) in the Planning Scheme.

Council engaged qualified heritage consultants to identify gaps in heritage protection in Lilydale's Main Street and surrounding areas and to assess which places meet the threshold for local heritage protection in the planning scheme. This work has recommended the protection of 13 new sites and updates to the existing heritage statements of significance or mapping for 7 places that are already protected by the HO.

It is proposed that the schedule to the HO in the Planning Scheme be amended to include the 13 new places through a planning scheme amendment that will be publicly exhibited.

Concurrently, it is proposed that the HO be applied to the new places on an interim basis, to ensure the heritage values of the places are protected while the planning scheme amendment for permanent heritage protection is exhibited.

In order to apply interim controls, Council must request the Minister for Planning to use his powers of intervention under Section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve an amendment to the Yarra Ranges Planning Scheme (Amendment C206).

In order to commence the amendment process for a permanent control, Council must seek authorisation from the Minister for Planning to prepare and exhibit an amendment (Amendment C207).

The Mayor moved a motion alternate to that printed in the agenda.

Moved: Cr Child
Seconded: Cr Heenan

That the debate on this matter be deferred until the 26 July 2022 Council meeting to allow for officers to include the missing information in the report.

The motion was Carried unanimously.

10.3 CT6833 PA 2406/0713 Information Technology Products & Services & Multi-Functional Devices

SUMMARY

Council has an ongoing operational need for Information Technology (IT) consumables, hardware, physical infrastructure, and software. This need is currently met through a trusted industry partner, Procurement Australia (PA) and its panel contract, CT5869 PA Information Technology Products and Services (2106/0712) which expired 30 June 2022.

Council seeks to enter a new panel contract, to ensure access to ongoing contractual arrangements with approved suppliers. Approved suppliers have successfully tendered for a new PA contract which will facilitate product and service continuity, the provision of physical infrastructure and technical support to assist in the achievement of critical YRConnect project deliverables and support activity-based working.

This report seeks Council endorsement to enter a new contract with Procurement Australia which is permitted under Section 108 of the *Local Government Act 2020* and Council's Procurement Policy.

Procurement Australia facilitated a public tender for the provision of IT Products and Services and Multi-Function Devices and a summary of the categories in the proposed contract (2406/0713) follows:

- Category 1 – IT Hardware
- Category 2 – IT Software
- Category 3 – IT Services
- Category 4 – IT Finance
- Category 5 – Telecommunications
- Category 6 – Multi-Function Print Devices

Categories 1-5 commenced 1 July 2022 and category 6 on 1 April 2022. The contract term for all categories is estimated to end on 30 June 2024, with an option to extend the contract for a further one (1) year.

The Council Evaluation Panel comprising the Acting Manager Information Services and Procurement Coordinator recommend the acceptance of the new Procurement Australia panel contract to appoint a panel of suppliers across all categories.

Inclusive of all estimated extension options, the estimated value of this contract to Council is \$3,429,000 inclusive of GST, over the estimated full contract term of three (3) years and based on 2021/2022 data.

Moved: Cr Skelton

Seconded: Cr Eastham

That

1. *Council accepts the Procurement Australia tender recommendation for Information Technology Products and Services and Multi-Functional Devices (Contract No. 2406/0713), including recommendations by Procurement Australia for any extension options.*
2. *The Director Corporate Services be delegated authority to extend the contract term on the terms set out in the Contract and any amended terms proposed by Procurement Australia.*
3. *The contract documents be signed.*
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.

10.4 2022-23 Growing Suburbs Fund

SUMMARY

This report identifies proposed projects to be submitted as part of the State Government's 2022-23 Growing Suburbs Fund program and proposes Council provide contributions to achieve \$1 (Council / other sources) for \$1 (Growing Suburbs Fund) from the Capital Expenditure Program in future years for the delivery of successful projects. No more than 15 percent (\$7.5 million) of the total pool of funding will be allocated to a single Council.

Moved: Cr Heenan
Seconded: Cr Todorov

That

1. *Council Endorse the following projects for submission to the State Government's 2022-23 Growing Suburbs Fund:*
 - a) *Lilydale Investment Precinct Project*
 - b) *Morrison Reserve Youth Activation*
 - c) *Pinks Emergency Relief Centre Amenities*
 - d) *Queen Road, Lilydale Playspace Renewal*
 - e) *McKenzie King, Millgrove Playspace Renewal*
 - f) *Bluegum Reserve, Badger Creek Playspace Renewal*
 - g) *Wright Avenue, Upwey Playspace Renewal*
2. *Council give 'in principle' support and approval for Council contributions to achieve \$1 (Council / other sources) for \$1 (Growing Suburbs Fund) from the Capital Expenditure Program in future years for the delivery of each of those projects that are successful in submission to the Growing Suburbs Fund.*
3. *A further report be provided to Council after submission outcomes are announced outlining proposed Council funding sources to align with successful projects.*

The motion was Carried unanimously.

10.5 Tree Matter Outside 14 Milners Road, Yarra Junction

SUMMARY

Council has a request to remove four trees within the road reserve outside 14 Milners Road, Yarra Junction. The resident's main concern is that the trees are dangerous and will fall onto their property. The trees are assessed as low risk.

While the resident has said that the trees have damaged their service line on two occasions, Council has no recorded Public Liability claims for this property prior to the contact with the Ward Councillor.

The trees are indigenous to the area (*Eucalyptus cephalocarpa*). The details of the trees are in the attached Arborist Assessment Report. The roadside reserve is in a Neighbourhood Residential Zone (NRZ2) and is also subject to Significant Landscape Overlay 22 (SLO22).

A planning permit will be required if the trees are approved for removal.

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

Moved: Cr Child

Seconded: Cr Higgins

That

- 1. Council consider, that trees 3 and 4 within the road reserve adjacent to 14 Milners Road, Yarra Junction should be removed, subject to a Planning Permit being applied for and issued.*
- 2. The landowner of 14 Milners Road, Yarra Junction be advised that Council will consider the request for removal of trees 3 and 4 through a Planning Permit Application process.*

The motion was Carried.

10.6 Welham Road, Mooroolbark - Emery Lane & Bretby Way, Montrose Intent to Levy Special Charge

SUMMARY

This Intent to Levy a Special Charge Report involves the below road improvement projects, with each project being treated as an individual special charge scheme:

- Emery Lane, Montrose.
- Bretby Way, Montrose.
- Welham Road, Mooroolbark.

When referred to collectively, they are known in this report as “The Subject Roads”.

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. This funding program has been named the Roads for the Community Initiative.

At its meeting on 24 September 2019 Council endorsed a list of roads to be constructed using this funding to be facilitated by means of Special Charge Schemes. The Subject Roads were included on this list of roads.

This report recommends affected landowners be notified of Council’s Intent to Levy a Special Charge for the construction of The Subject Roads.

Moved: Cr Cox
Seconded: Cr Fullagar

That

- 3. The affected landowners be advised of Council’s intent to declare a special charge (“the special charge”) at its meeting scheduled for 13 September 2022, or should this meeting not proceed then the next available Council meeting, for the purpose of defraying expenses associated with proposed improvement works in:*
 - (a) Emery Lane, Montrose.*
 - (b) Bretby Way, Montrose.*
 - (c) Welham Road, Mooroolbark.*
- 4. Subject to any variation of a scheme under Section 166 of the Local Government Act 1989, the amount to be levied under the scheme exclusive of interest payable under Section 172 of the Local Government Act 1989 will be:*
 - (a) Emery Lane, Montrose. In total \$49,728 (“the amount to be paid”); comprising*

of \$42,000 for the cost of works and \$7,728 for financing cost.

- (b) *Bretby Way, Montrose. In total \$147,112 (“the amount to be paid”); comprising of \$124,250 for the cost of works and \$22,862 for financing cost.*
- (c) *Welham Road, Mooroolbark. In total \$91,168 (“the amount to be paid”); comprising of \$77,000 for the cost of works and \$14,168 for financing cost.*
- (d) *On each date specified under Section 167 of the Local Government Act 1989 as being the date on which the whole of rates and charges (other than special rates and charges) is due (“the due date”) the amount represented by the formula: X/Y where X represents the amount to be paid and Y represents the number of due dates during the period which the scheme will remain in force.*

5. *In accordance with Section 163 (3) of the Local Government Act 1989 Council specifies that the special charge:*

- (a) *Is proposed to be declared for the land in the “designated area” shown on the attached plan.*
- (b) *Will be payable in respect of all rateable land within the designated area.*
- (c) *Will be assessed and levied as set out in this resolution.*
- (d) *Will remain in force for the period commencing on 1 July 2023 and concluding on 30 June 2033.*

4. *In accordance with Section 221 of the Local Government Act 1989 the special charge is also proposed to be declared in respect of land within the designated area which is not rateable land and is not Crown land.*

5. *It is recorded that assessment of the special charge is calculated on the following basis:*

- (a) *\$7,000 per development unit.*
- (b) *Plus financing cost of 3.68% per annum.*
- (c) *100% on a development unit basis as follows.*
 - (i) *Special benefit where a dwelling or building is permitted.*
 - (ii) *The degree of special benefit having regard to the use or future use of the land.*

6. *The amount assessed, based on the assessment factors, is set out in the attached schedule of costs per property for the scheme.*

7. *If works do not commence within 12 months of declaration of the special charge scheme, the financing cost rate applicable to landowners repaying the special charge over 10 years be reviewed, based on number of assessments involved,*

interest rate movements and the quantum of the project.

8. *Should the financing cost rate change after review, a further report be submitted to Council at the time of commencing works to confirm the financing cost rate that shall apply to the proposed special charge, and those persons liable to pay the special charge over a 10 year period be notified of the revised financing rate.*
9. *In accordance with section 167 (4) of the Local Government Act 1989, landowners be offered an option to repay their charge as a lump sum payment. For landowners to undertake this option, full payment is to be made by 15 February 2024, and the proportion of the cost to finance the scheme attributable to the property is to be deducted from the total charge.*
10. *The Chief Executive Officer be authorised to give public notice of the intent to declare the special charge in accordance with Section 163 (1A) and 223 of the Local Government Act 1989 in The Star Mail newspapers and on Council's Internet Website.*
11. *If required a consultation meeting with appropriate Council Officers, be arranged to discuss any submissions received relating to the Special Charge.*
12. *If submissions are made:*
 - (a) *Those submissions be considered, and any person (or their representative as specified in their submission) who has requested to be heard in support of their submission be heard, by a meeting of Council scheduled for 13 September 2022, or should this meeting not proceed then the next available meeting.*
 - (b) *Those persons making submissions be advised copies of their submissions will be made available at the Council meeting held when their submission is considered.*
13. *If no submissions are made, the matter be reported to Council at the meeting scheduled for 13 September 2022, or should this meeting not proceed then the next available meeting.*
14. *The Chief Executive Officer be authorised and directed to seek payment of and recover the special charge with any interest thereof.*

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

There were no items raised through the Chair by Councillors.

13 REPORTS FROM DELEGATES

Cr Skelton:

- Attended the Regional Community Recovery Committee meeting held 11 July 2022. It was reported that an update was given by Hills Community Recovery Committee, Upper Yarra Community Recovery Committee and Hills Community Recovery Committee, and that the Urban Community Recovery Committee was not represented at the meeting. Cr Skelton urged community to be aware upcoming funding opportunities.

Cr Heenan:

- Attended the Urban Community Recovery Committee held 6 July 2022, at the Yarra Ranges Council Civic Centre. Cr Heenan thanked the passionate people of the committee and noted the ongoing trauma that members of the community are experiencing from the storm event.

Cr Child:

- Also attended the Urban Community Recovery Committee held 6 July 2022, at the Yarra Ranges Council Civic Centre and observed a great representation from the community. Cr Child noted the need to reach out to those community members who are affected by ongoing trauma and encouraged community contact Council if there are experiencing hardship.

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.

14.1 Creation of Easement - Deed of Release- Yarra Ranges Shire Council and Chirnside Park Country Club Limited.

SUMMARY

It was requested that the following documents be signed and sealed:

Creation of Easement – Deed of Release- Yarra Ranges Shire Council and Chirnside Park Country Club Limited.

Creation of Easement (E3) for drainage purposes in favour of Yarra Ranges Shire Council, being part of land contained in Certificate of Title Volume 11280 Folio 355 and known as 130A Victoria Road, Lilydale.

The acquisition of the easement is pursuant to planning permit YR 2011/1456.

Moved: Cr Higgins
Seconded: Cr McAllister

That the following listed documents be signed and sealed:

Creation of Easement – Deed of Release- Yarra Ranges Shire Council and Chirnside Park Country Club Limited.

The motion was Carried unanimously.

15 INFORMAL MEETING OF COUNCILLORS

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.

Moved: Cr Cox
Seconded: Cr Todorov

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: 8.00 pm.

Confirmed this day, Tuesday, 26 July 2022.

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Councillor Jim Child (Mayor)