



Council Meeting

Minutes

Tuesday, 9 August 2022
Via Videoconference

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>

LIVE STREAMING AND RECORDING OF MEETINGS

Council and Delegated Committee meetings will be live streamed and recorded with the video recording being published on Council's website. Council will cease live streaming at the direction of the Chair or prior to any confidential items being considered.

Opinions or statements made during the course of a meeting are those of the particular individuals. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of meetings. While Council will use its best endeavours to ensure the live stream and Council's website are functioning, technical issues may arise which may result in Council temporarily adjourning the meeting or, if the issue cannot be resolved, adjourning the meeting to another date and time to be determined.

A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

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

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EVACUATION PROCEDURES

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

CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 564TH COUNCIL MEETING HELD ON TUESDAY, 9 AUGUST 2022 COMMENCING AT 7PM VIA VIDEOCONFERENCE

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 Tim Heenan
Councillor Johanna Skelton (Deputy Mayor)
Councillor Sophie Todorov

Officers

Tammi Rose, Chief Executive Officer
Andrew Hilson, Director Corporate Services
Kath McClusky, Director Planning, Design and Development
Mark Varmalis, Director Environment and Infrastructure
Corinne Bowen, Acting Director Communities
Jane Sinnamon, Director Recovery

4 APOLOGIES AND LEAVE OF ABSENCE

Councillor David Eastham
Councillor Richard Higgins
Councillor Len Cox OAM

5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Fullagar

Seconded: Cr Heenan

That the Minutes of the Council Meeting held Tuesday 26 July 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.

QUESTIONS FROM THE PUBLIC

Sue Thompson, Resident of Kilsyth, asked:

What legal tools does council have to stop developers allowing demolition by neglect of properties they own and when have they been used? I refer to the already demolished former Lilydale Fire Station, the still standing Lilydale Hotel and now the row of shops at 304 Main Street currently occupied by squatters?

Council desperately needs to do something about the appalling state of the south side of Main Street west of Anderson Street.

Andrew Hilson, Director Corporate Services responded:

Thank you for your question, Ms Thompson.

We understand the community's concerns over the state of these buildings and the surrounding environment. Council is somewhat limited in the options available to manage private property. Depending on the situation, Council can consider the following actions:

1. Use of a Building Emergency Order. This option is used where there are life, health, or safety issues such as structural concerns or where the building is being accessed or occupied by squatters or rough sleepers. Council has powers to evict occupants, and with the assistance of police, to ask the owner to organise make-safe works. Building inspections of the White Dog Hotel have found no evidence of any of the above issues in recent years. Council's Building Department is currently investigating the building being occupied with squatters at 304-310 Main Street. In some cases, a Building Order for make-safe works may require a building to be demolished.
2. Issue a Notice to Comply under the Yarra Ranges Neighbourhood Amenity Local Law 2020, Sections 12.6 Unightly Land and 12.7 Dilapidated Buildings. These provisions can be applied in defined circumstances, and if the requirements of the Notice to Comply are not adhered to, owners may be subject to financial penalties.
3. Creation of a new Local Law targeting dilapidated buildings, with more stringent criteria than the existing local law. If a new local law policy was created, it would need to apply to all commercial properties across the municipality. The creation of

a new local law requires further investigation. The issue of dilapidated buildings will be investigated as part of the midway Local Law review to commence late 2023.

4. Use of an increased rate differential for derelict buildings in Yarra Ranges. This has been considered in recent years by Council but determined not to be the most effective way to respond to individual sites of concern. A differential rate would apply to all applicable properties in the municipality that satisfy a specified set of criteria in line with Ministerial Guidelines. Such criteria, applied widely, would create other issues of inequity and challenge. As stated earlier, this issue of derelict buildings will be considered further as part of the Local Law midway review in 2023.

To assist the community in understanding more about these options, a fact sheet will be prepared and placed on the Yarra Ranges Council website.

SUBMISSIONS FROM THE PUBLIC

The Mayor advised that the general submission from Gruyere Fire Brigade listed on the agenda was withdrawn prior to the meeting and that the matter will be managed with due process.

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-2021/406 - 325 Pinnacle Lane, Steels Creek

SUMMARY

The application proposes buildings and works to construct a dwelling and earthworks greater than one metre.

The existing dwelling is proposed to be demolished prior to the occupation of the proposed dwelling.

The proposed built form is of a modern curvilinear form and is cut into the natural ground level with an elongated arched design for the basement and ground floors that leads towards a spiralled first floor that predominately overhangs the natural ground level below it, with a small section that wraps and protrudes over the ground floor. The dwelling façade is in a natural concrete finish and clear glass.

The application has been advertised and four (4) objections have been received. Issues raised relate to visual bulk and impacts to the landscape character, the fragmentation of agricultural land and amenity impacts including noise and light.

Overall, the proposal will be in line with the landscape character of the area whilst providing for agricultural uses onsite that is consistent with the zoning and proposed overlays of the land.

The proposal has been assessed against the applicable Clauses of the Yarra Ranges Planning Scheme and, on balance, found to be consistent with a number of planning policies as they relate to landscape and environmental impacts as well as the maintenance of agricultural uses.

As such, it is recommended that the application be approved, subject to conditions.

In accordance with Governance Rule 58, James Calder spoke in objection of the recommendation included in the officer report.

In accordance with Governance Rule 58, Melinda Ryan, on behalf of the applicant, spoke in support of the recommendation included in the officer report.

Moved: Cr McAllister

Seconded: Cr Child

That Council resolve to approve Planning Application YR-2021/406 for buildings and works to construct a dwelling and earthworks greater than one (1) metre at 325 Pinnacle Lane, Steels Creek 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 Final Lilydale Structure Plan for Adoption

Following endorsement from Council on 14 December 2021, the draft Lilydale Structure Plan was placed on public exhibition for a ten week period from 16 December 2021 to 28 February 2022.

The consultation undertaken and the feedback received from the community on the draft plan is discussed further in this report and in the attached Consultation and Engagement Report (Attachment 2).

Primary feedback was received through formal survey responses (197), with community also able to provide informal written submissions (22), participate in a launch webinar, and attend two focus groups. Meetings were also held with the Lilydale Township Action Group and Lilydale Youth Advisory Committee. During the engagement period there were 7432 views of the Lilydale Structure Plan webpage.

Several key issues were raised through the consultation relating to locating community facilities centrally, proposed building heights in the Town Centre, extent of residential zoned land, impacts on infrastructure, traffic congestion and parking, and the need for a well-designed and integrated Lilydale bypass. These are summarised in this report and at Attachment 2, and a proposed final Lilydale Structure Plan (Attachment 4) show the proposed changes mark up.

The Structure Plan has been reviewed against the feedback received and updated to reflect applicable suggestions and priorities provided by responses.

In accordance with Governance Rule 58, Paul Dempsey spoke in objection of the recommendation included in the officer report.

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

Moved: Cr Heenan

Seconded: Cr Todorov

That Council

1. *Consider and note the feedback received from the community on the Draft Lilydale Structure Plan as outlined in Attachment 2.*
2. *Consider the changes made to the Draft Lilydale Structure Plan to respond to community feedback, as described in this report and outlined in Attachment 4.*
3. *Adopt the final Lilydale Structure Plan as recommended in this report.*
4. *Notify all submitters of the outcome and publish to Council's website.*
5. *Note that a Planning Scheme Amendment will be prepared to implement the Lilydale Structure Plan which will be considered at a future Council Meeting.*

The motion was Carried unanimously.

10.3 Draft Economic Development Strategy 2022-32 - Endorsement for Public Exhibition

SUMMARY

The 10-year Economic Development Strategy (Strategy) that has guided Council's role and resources in the development of the local economy concludes at the end of 2022. Consequently, a renewal is in progress to develop the Strategy 2022–2032 to position Yarra Ranges (YR) as a desirable place to live, work, invest and visit.

The development of the draft Strategy has been informed by a comprehensive review, a background report and extensive community and stakeholder consultation and analysis.

Collectively this work has produced the draft Strategy 2022-32 for public exhibition which delivers:

- A strong vision, grounded in the aspirations of the local community;
- Contemporary approach to economic development steeped in regenerative values, focussed on future-proofing the economy beyond the global pandemic and extreme climate events; and
- Globally competitive ideas that differentiate the YR from other local government areas.

The draft Strategy has incorporated feedback from Councillors, community and key stakeholders and now seeks endorsement to be placed out for community consultation.

Following community consultation, officers will produce an engagement report analysing feedback received and how the feedback has shaped any changes to the Strategy. This will be presented at a future Council meeting.

Moved: Cr Fullagar

Seconded: Cr Skelton

That Council place the Draft Economic Development Strategy 2022-32 on community consultation for a period of four weeks, commencing 11 August 2022.

The motion was Carried unanimously.

10.4 Appointment of Yarra Ranges Tourism Independent Chairperson

Yarra Ranges Regional Marketing Ltd, trading as Yarra Ranges Tourism, is the not-for-profit organisation created to operate as the peak regional tourism organisation for the Yarra Valley, Warburton Valley and Dandenong Ranges. James Robinson notified Council that he would be standing down as Chair of Yarra Ranges Tourism as of October 2022. Under the constitution the Chairperson is to be appointed by Yarra Ranges Council. Council requested that a Nominations and Consultative (N&C) Committee undertake the selection process on its behalf and make a recommendation of a suitable candidate.

Following a competitive recruitment process, the N&C Committee recommends Council appoint Leigh Harry as Chair.

Cr Todorov left the meeting at 8.36pm and returned to the meeting at 8.38pm following a vote being taken.

Moved: Cr McAllister
Seconded: Cr Skelton

That Council

- 1. Endorse the appointment of Leigh Harry as Chair of Yarra Ranges Tourism for a three-year term (1 November 2022 to 30 October 2025).*
- 2. Thank the outgoing Chair, James Robinson, for his strong leadership and contribution during his tenure.*
- 3. Delegate to the Chief Executive Officer to make operative the transitional plan to the new Chair in conjunction with the Chief Executive Officer of Yarra Ranges Tourism.*

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 was no Items Through the Chair received for this meeting.

13 REPORTS FROM DELEGATES

Cr Fullagar:

- Chaired, in the absence of Cr Skelton and Cr Heenan, the Sustainable Environment Advisory Committee meeting on Thursday 4 August 2022. Cr Fullagar reported a very informative committee meeting and a good opportunity to highlight the status of infrastructure.

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

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 Heenan

Seconded: Cr Fullagar

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 8.44pm.

Confirmed this day, Tuesday, 23 August 2022.

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Councillor Jim Child (Mayor)