



# Council Meeting

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## Minutes

**Tuesday, 23 August 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

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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 565<sup>TH</sup> COUNCIL MEETING HELD ON TUESDAY, 23 AUGUST 2022 COMMENCING AT 7.00 PM CIVIC CENTRE, 15 ANDERSON STREET, LILYDALE

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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 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

Tammi Rose, Chief Executive Officer

Andrew Hilson, Director Corporate Services

Mark Varmalis, Director Environment and Infrastructure

Kath McClusky, Director Planning, Design and Development

Jane Sinnamon, Director Recovery

Corinne Bowen, Acting Director Communities

## 4 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

## 5 MAYORAL ANNOUNCEMENTS

There were no Mayoral Announcements for this meeting.

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

*That the Minutes of the Council Meeting held Tuesday 9 August 2022, 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.*

Tammi Rose, Chief Executive Officer, declared a direct interest in respect of Item 17.1 as it relates to her remuneration.

## 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:**

In this the 150th year of local government in the district would council consider recognizing in some way the contributions of former council employees who were vital in the development of all four councils? I'm sure if asked, the community could nominate many worthy employees and could suggest how these people could be recognized in today's high tech world.

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

Thank you, Ms Thompson, for your question.

We commend and thank you for your effort to recognise and shine a spotlight on the great work done by current employees of Council, as well as former Council employees that have gone before us for 150 years. Their service of the community we now call Yarra Ranges is and has been invaluable.

Council is grateful for the wonderful contributions made by former employees, however we do not have plans to call for public nominations for recognition, as your question suggests.

We will consider your suggestion of a more formal approach to recognition of former employees as part of the 150<sup>th</sup> anniversary.

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-2022/430 - 727-729 Maroondah Highway, Coldstream

#### SUMMARY

The application seeks to expand wine storage and ageing capacity at Domaine Chandon Winery by constructing three warehouses. A planning permit is required for the building and works to construct under Clause 35.04 Green Wedge Zone and for building and works over seven metres under Clause 51.03.

A total of 53 trees are proposed to be removed to enable the construction of the warehouses. The trees were planted by the winery and the removal is exempt from provision of native vegetation offsets under Clause 52.17, however a permit is still required for the removal of vegetation under the Significant Landscape Overlay (SLO17) and Clause 51.03. The application proposes replacement planting of 106 trees onto the site.

The application does not seek to increase patron numbers, no changes to the hours of operation, or make any alteration to the existing sale and consumption of liquor at the site. No additional staff are proposed.

The application has been advertised and no objections have been received.

The proposal meets the requirements of the Green Wedge Zone, Significant Landscape Overlay and Clause 51.03 and is considered to be an appropriate planning outcome. It is recommended that a planning permit be issued, subject to a condition for replacement planting.

**Moved: Cr McAllister**  
**Seconded: Cr Eastham**

*That Council resolve to approve Planning Application YR-2022/430 for Buildings and works to construct three warehouses to an existing winery and associated vegetation removal at 727-729 Maroondah Highway, Coldstream and issue a Planning Permit subject to the conditions in Attachment 1 to the report.*

**The motion was Carried unanimously.**

## 10.2 Planning Application YR-2021/916 - 25-27 Songbird Avenue Chirnside Park

### SUMMARY

The application proposes the use and development of the land as a childcare centre at 25 and 27 Songbird Avenue in Chirnside Park. An assessment by council of the application is triggered under Neighbourhood Residential Zone Schedule 1 (NRZ1) for the use and development of the site. The proposal includes the development of a single-story building which is to be located across both lots. The plans also include a sealed carpark with 17 spaces along the western side of the development.

The childcare centre is proposed to accommodate up to 80 children and 15 staff on site at any one time. The operating hours proposed are between 6:30am and 6:30pm on Monday to Friday. The centre is proposed to be closed on weekends.

The application was advertised, and total of thirty-three submissions have been received, comprising thirty-two submissions in objection and one letter in support. The main grounds of objection are related to traffic, noise pollution, danger to pedestrians, vegetation impacts, car parking, oversaturation of the land use, decreased property value, and timing of the advertised traffic report.

An assessment of the proposal has determined that the proposal fails to meet the requirements of the Yarra Ranges Planning Scheme, and that the application cannot be supported on various grounds which are outlined in this report and attachment 1, concluding that a refusal should be issued.

*In accordance with Governance Rule 58, James Unkles spoke in support of the recommendation included in the officer report.*

*The Mayor noted that Officers have advised Council that, since the report was prepared and the agenda published last week, the applicant has now lodged an appeal to VCAT against Council's Failure to make a decision within the required 60 statutory days. As such, Council can no longer issue a decision on the application as recommended on page 97 that this proposal be refused.*

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

**Moved: Cr Child**  
**Seconded: Cr Higgins**

*That had Council been able to make a decision on the application, Council would resolve to refuse Planning Application YR-2021/916 for Use and Development of a Childcare Centre at 25 and 27 Songbird Avenue Chirnside Park and would have issued a Notice of Refusal on the grounds in Attachment 1 to the report.*

**The motion was Carried unanimously.**

### 10.3 Governance Rules

#### SUMMARY

As a result of the Covid-19 Pandemic, Council was obligated to adjust a number of core business services. Council meetings, in particular, were quickly converted to virtual platforms and the Victorian Government introduced the *COVID-19 Omnibus (Emergency Measures) Bill 2020* to allow for Councillors to attend meetings by electronic means. This temporary legislation was necessary in the absence of an explicit directive to administer virtual meetings in Council's Governance Rules.

It became apparent that hybrid meeting functionality was beneficial to the overall conduct of Council and hence a more permanent and legislated arrangement was introduced by the Victorian Government through the *Regulatory Legislation Amendment (Reform) Act 2022* (the Amendment Act). The Amendment Act received Royal Assent on 29 March 2022 and included reforms relating to virtual meetings. These reforms will become active on 2 September 2022. Council has prepared a revised version of its Governance Rules to reflect these permanent changes, and displayed the revised Rules for public comment.

A number of other changes to the Governance Rules have been reviewed as part of the process and are outlined in this report.

It is recommended that Council adopt the revised Governance Rules included at Attachment 1 to this report to ensure the ongoing good governance and transparent conduct of Council and Delegated Committee Meetings.

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

*That Council adopt and keep in force the Governance Rules included at Attachment 1 to the report.*

**The motion was Carried unanimously.**

## 10.4 Sale of Land - 182-184 Cambridge Road, Kilsyth

### SUMMARY

On 5 April 2022, Council gave notice of its intention to sell four properties, including a 2600sq.m. section of land at 182-184 Cambridge Road, Kilsyth. All four properties are residentially zoned, designated as reserves on title, and all are located within Walling Ward.

Proceeds from the sale of the land would be used to facilitate the purchase of 3.6 hectares of open space (former Yarra Hills Secondary College) at 150 Cambridge Road, Kilsyth, and make necessary improvements to the land, in line with Council's resolution of 8 March 2022. Any remaining funds would be directed to Public Open Space Fund for future open space improvement works or other recreation or cultural projects allowable under the provisions of the *Subdivision Act*.

By the submission closing date on 9 May, 2022, thirty-eight (38) submissions had been received, three (3) of which relating to Part 182-184 Cambridge Road specifically, and thirteen (13) relating to Council's proposal to sell land more generally. No submitters elected to speak in support of their submissions to a Delegated Committee of Council at a Submission Hearing meeting held on 15 June 2022 in respect of this property.

Having considered submissions, the Delegated Committee's recommendation is that all submissions be noted, that the proposal to sell the land (including 182-184 Cambridge Road) be reported to a Council meeting with a recommendation to sell, and that future procedures relating to the sale of the land be undertaken individually.

If Council resolves to sell the land, an application would be made under section 24A of the *Subdivision Act 1988* to have the reservation removed from the land, prior to the land parcel being sold.

**Moved: Cr Cox**

**Seconded: Cr Higgins**

*That*

- 1. Council, having advertised its intention to sell land, and having considered all submissions received, and having considered the recommendations of the Delegated Committee from the Hearing of Submissions Committee Meeting on 15 June 2022, and being of the opinion that the land is no longer required by Council, resolves to sell the land at 182-184 Cambridge Road, Kilsyth (Reserve 1 LP92377 and Reserve 1 LP88656)*
- 2. The land be sold by public auction or Expression of Interest process for a price no less than a valuation held by Council*
- 3. Council make an application under section 24A of the Subdivision Act 1988 for the removal of the reservation from the land prior to its sale*
- 4. All documents relating to the sale of the land be sealed by the Council.*
- 5. The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1)(a) and (f) of the Local Government Act 2020.*

**The motion was Carried unanimously.**

## 10.5 Sale of Land - Part 9A Tinarra Court, Kilsyth

### SUMMARY

On 5 April 2022, Council gave notice of its intention to sell four properties, including a 2600sq.m. section of land at 9A Tinarra Court, Kilsyth. All four properties are residentially zoned, designated as reserves on title, and all are located within Walling Ward.

Proceeds from the sale of the land would be used to facilitate the purchase of 3.6 hectares of open space (former Yarra Hills Secondary College) at 150 Cambridge Road, Kilsyth, and make necessary improvements to the land, in line with Council's resolution of 8 March 2022. Any remaining funds would be directed to Public Open Space Fund for future open space improvement works or other recreation or cultural projects allowable under the provisions of the *Subdivision Act*.

By the submission closing date on 9 May, 2022, thirty-eight (38) submissions had been received, two (2) of which relating to Part 9A Tinarra Court specifically, and thirteen (13) relating to Council's proposal to sell land more generally. One (1) of those submitters elected to speak in support of their submissions to a Delegated Committee of Council at a Submission Hearing meeting held on 15 June 2022.

Having heard submissions, the Delegated Committee's recommendation is that all submissions be noted, that the proposal to sell the land (including 9A Tinarra Court) be reported to a Council meeting with a recommendation to sell, and that future procedures relating to the sale of the land be undertaken individually.

If Council resolves to sell the land, an application would be made under section 24A of the *Subdivision Act 1988* to have the reservation removed from the land, prior to the land parcel being sold.

*In accordance with Governance Rule 58, Patricia Curtis spoke in objection of the recommendation included in the officer report*

**Moved: Cr Cox**

**Seconded: Cr Higgins**

*That*

- 1. Council, having advertised its intention to sell land, and having considered all submissions received, and having considered the recommendations of the Delegated Committee from the Hearing of Submissions Committee Meeting on 15 June 2022, and being of the opinion that the land is no longer required by Council, resolves to sell a 2600sq.m. section of Council land at 9A Tinarra Court, Kilsyth (Part Reserve 1 on LP91601);*
- 2. The land be sold by public auction or Expression of Interest process for a price no less than a valuation held by Council;*
- 3. Council make an application under section 24A of the Subdivision Act 1988 for the removal of the reservation from the land prior to its sale;*
- 4. All documents relating to the sale of the land be sealed by the Council; and*
- 5. The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1)(a) and (f) of the Local Government Act 2020.*

**The motion was Carried.**

## 10.6 Sale of Land - 9A Wannan Court, Kilsyth

### SUMMARY

On 5 April 2022, Council gave notice of its intention to sell four properties, including land at 9A Wannan Court, Kilsyth. All four properties are residentially zoned, designated as reserves on title, and all are located within Walling Ward.

Proceeds from the sale of the land would be used to facilitate the purchase of 3.6 hectares of open space (former Yarra Hills Secondary College) at 150 Cambridge Road, Kilsyth, and make necessary improvements to the land, in line with Council's resolution of 8 March 2022. Any remaining funds would be directed to Public Open Space Fund for future open space improvement works or other recreation or cultural projects allowable under the provisions of the *Subdivision Act*.

By the submission closing date on 9 May, 2022, thirty-eight (38) submissions had been received, ten (10) of which relating to 9A Wannan Court specifically, and thirteen (13) relating to Council's proposal to sell land more generally. One (1) of those submitters elected to speak in support of their submissions to a Delegated Committee of Council at a Submission Hearing meeting held on 15 June 2022.

Having heard submissions, the Delegated Committee's recommendation is that all submissions be noted, that the proposal to sell the land (including 9A Wannan Court) be reported to a Council meeting with a recommendation to sell, and that future procedures relating to the sale of the land be undertaken individually.

If Council resolves to sell the land, an application would be made under section 24A of the *Subdivision Act 1988* to have the reservation removed from the land, prior to the land parcel being sold.

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

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

Moved: Cr Cox

Seconded: Cr McAllister

*That Council defer the decision of sale of land at 9A Wannan Court, Kilsyth pending investigation, from Council officers, into the origins of Council's ownership, to be considered at the 27 September 2022 Council meeting.*

The motion was lost.

*The Mayor moved the motion printed in the agenda.*

**Moved: Cr Child**  
**Seconded: Cr Higgins**

*That*

- 1. Council, having advertised its intention to sell land, and having considered all submissions received, and having considered the recommendations of the Delegated Committee from the Hearing of Submissions Committee Meeting on 15 June 2022, and being of the opinion that the land is no longer required by Council, resolves to sell the land at 9A Wannan Court, Kilsyth (Reserve 1 on LP96923);*
- 2. The land be sold by public auction or Expression of Interest process for a price no less than a valuation held by Council;*
- 3. Council make an application under section 24A of the Subdivision Act 1988 for the removal of the reservation from the land prior to its sale;*
- 4. All documents relating to the sale of the land be sealed by the Council; and*
- 5. The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1)(a) and (f) of the Local Government Act 2020.*

**The motion was Carried.**

## 10.7 Sale of Land - 16 Ellis Court, Mooroolbark

### SUMMARY

The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1)(a) and (f) of the Local Government Act 2020

On 5 April 2022, Council gave notice of its intention to sell four properties, including land at 16 Ellis Court Mooroolbark. All four properties are residentially zoned, designated as reserves on title, and all are located within Walling Ward.

Proceeds from the sale of the land would be used to facilitate the purchase of 3.6 hectares of open space (former Yarra Hills Secondary Collage) at 150 Cambridge Rd, Kilsyth, and make necessary improvements to the land, in line with Council's resolution of 8 March 2022. Any remaining funds would be directed to the Public Open Space Fund for future open space improvement works or other recreation or cultural projects allowable under the provisions of the *Subdivision Act*.

By the submission closing date on 9 May, 2022, thirty-eight (38) submissions had been received, ten (10) of which relating to Ellis Court specifically, and thirteen (13) relating to Council's proposal to sell land more generally. Three (3) of those submitters elected to speak in support of their submissions to a Delegated Committee of Council at a Submission Hearing meeting held on 15 June 2022.

Having heard submissions, the Delegated Committee's recommendation is that all submissions be noted, that the proposal to sell the land (including 16 Ellis Court) be reported to a Council meeting with a recommendation to sell, and that future procedures relating to the sale of the land be undertaken individually.

If Council resolves to sell the land, an application would be made under section 24A of the *Subdivision Act 1988* to have the reservation removed from the land, prior to the land parcel being sold.

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



**Moved: Cr Cox**

**Seconded: Cr Higgins**

*That*

1. *Council, having advertised its intention to sell land, and having considered all submissions received, and having considered the recommendations of the Delegated Committee from the Hearing of Submissions Committee Meeting on 15 June 2022, and being of the opinion that the land is no longer required by Council, resolves to sell the land at 16 Ellis Court, Mooroolbark (Reserve 1 on LP96049);*
2. *The land be sold by public auction or Expression of Interest process for a price no less than a valuation held by Council;*
3. *Council make an application under section 24A of the Subdivision Act 1988 for the removal of the reservation from the land prior to its sale;*
4. *All documents relating to the sale of the land be sealed by the Council; and*
5. *The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1)(a) and (f) of the Local Government Act 2020.*

**The motion was Carried.**

## 10.8 Draft Yarra Ranges Nature Plan: Protecting Our Biodiversity Assets 2022-2032

### SUMMARY

In 2021 a Council Plan Major Initiative was endorsed for the development of a Biodiversity Plan. A Biodiversity Plan is critical for the organisation to deliver on the community vision for Yarra Ranges and the Council Plan objective of a Protected and Enhanced Natural Environment. The Biodiversity Plan is subordinate to the Environment Strategy 2015 – 2025 and delivers on all the goals of this Strategy.

The Biodiversity Plan title is proposed as the Yarra Ranges Nature Plan: Protecting Our Biodiversity Assets 2022-2032 (Yarra Ranges Nature Plan).

The Yarra Ranges Nature Plan will provide clear direction for prioritisation and investment in our natural environment and importantly is an essential advocacy tool. Our community rely on a healthy environment, from tourism and agricultural businesses to health and wellbeing outcomes for our residents.

The draft Yarra Ranges Nature Plan contains a vision, guiding principles, targets framed around four key themes linked to outcomes and an action plan. The key themes relate to where Council has the greatest impact and influence on biodiversity conservation through its roles as land manager, Responsible Authority for the Planning Scheme, support for works on private land, and a conduit for state and federal funding into the region.

The draft Yarra Ranges Nature Plan contains 18 foundation actions pivotal for success in enabling the delivery of further operational based actions. The draft Plan has been costed at \$15.8 million, for delivery over 10 years. The opportunity for external leveraged funding is estimated at \$8 million. Delivery of the actions will be staggered over 10 years and investment in the actions will be determined through Council's annual budget processes.

**Moved: Cr Skelton**

**Seconded: Cr Eastham**

*That Council*

- 1. Approve the draft Yarra Ranges Nature Plan; Protecting Our Biodiversity Assets 2022-2032 to be released for public consultation, commencing 25 August; and*
- 2. Following consultation, the draft Yarra Ranges Nature Plan; Protecting Our Biodiversity Assets 2022-2032 be referred to Council Forum for consideration of submissions, prior to formal endorsement at a subsequent Council meeting.*

**The motion was Carried unanimously.**

## 10.9 Tree Canopy Strategy

### SUMMARY

A draft Tree Canopy Strategy has been prepared for consideration by Council. The strategy sets out the vision, objectives and targets for the long-term protection, management, and planting of trees in Yarra Ranges. Following the 2021 storms where an unprecedented number of trees were lost, there is an urgency to address the canopy loss.

The strategy is the first of its kind for Council and it will provide the foundation for the development and implementation of best practice tree management to maximise the benefits of our tree canopy and to minimise risk.

This report presents the draft Tree Canopy Strategy and seeks to have this released to the community for consultation and feedback prior to it being considered by Council for formal adoption.

*In accordance with Governance Rule 58, Philip Burton spoke in support of the recommendation included in the officer report.*

**Moved: Cr Fullagar**

**Seconded: Cr Todorov**

*That*

- 1. Council endorse the draft Tree Canopy Strategy for public consultation, commencing 25 August 2022.*
- 2. Following public consultation, the draft Tree Canopy Strategy be referred to Council Forum for review of the consultation prior to formal consideration at a subsequent Council Meeting.*

**The motion was Carried unanimously.**

**10.10 Austral Avenue, Upwey - Nevada Avenue, Upwey and Belbrook Road, Carween Avenue, The Highway, Weldon Grove & Mast Gully Road (service road), Upwey Intent to Levy a 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:

- Austral Avenue, Upwey;
- Nevada Avenue, Tecoma; and
- Belbrook Road, Carween Avenue, The Highway, Weldon Grove & Mast Gully Road (service road), Upwey

When referred collectively they are known 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 Fullagar**  
**Seconded: Cr Higgins**

That

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 25 October 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) *Austral Avenue, Upwey.*
  - (b) *Nevada Avenue, Tecoma.*
  - (c) *Belbrook Road, Carween Avenue, The Highway, Weldon Grove & Mast Gully Road (service road), Upwey.*
2. *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) *Austral Avenue, Upwey. In total \$125,974 ("the amount to be paid"); comprising of for the cost of works \$105,000 and \$20,974 for financing cost.*
  - (b) *Nevada Avenue, Tecoma. In total \$37,792 ("the amount to be paid"); comprising of \$31,500 for the cost of works and \$6,292 for financing cost.*
  - (c) *Belbrook Road, Carween Avenue, The Highway, Weldon Grove & Mast Gully Road (service road), Upwey. In total \$256,147 ("the amount to be paid"); comprising of \$213,500 for the cost of works and \$42,647 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.*
3. *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 3.995% 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 25 October 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 25 October 2022, or should this meeting not proceed then the next available meeting.
14. 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.**

**10.11 Park Street, Nicholas Road, Mary Road, Elsie Street, Imperial Avenue & Royal Avenue, Wandin North - Intent to Levy a Special Charge**

**SUMMARY**

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. Park Street, Nicholas Road, Mary Road, Elsie Street, Imperial Avenue & Royal Avenue, Wandin North 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 Park Street, Nicholas Road, Mary Road, Elsie Street, Imperial Avenue & Royal Avenue, Wandin North.

**Moved: Cr Eastham**  
**Seconded: Cr Higgins**

That

1. *The affected landowners be advised of Council's intent to declare a special charge ("the special charge") at its meeting scheduled for 25 October 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 Park Street, Nicholas Road, Mary Road, Elsie Street, Imperial Avenue & Royal Avenue, Wandin North.*
2. *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) *In total \$726,449 ("the amount to be paid"); comprising of \$605,500 for the cost of works and \$120,949 for financing cost.*
  - (b) *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.*
3. *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 3.995% 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 25 October 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 25 October 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 Through the Chair received for this meeting.

## 13 REPORTS FROM DELEGATES

Cr Skelton:

- Attended the Yarra Ranges Municipal Emergency Planning Committee (MEPC) meeting on 17 August 2022 via Video Conference. Cr Skelton reported that discussion centred around the drafting of the 2022/23 Action Plan.

Cr McAllister:

- Attended the Yarra Ranges Council Indigenous Advisory Committee (IAC) meeting on 16 August 2022 via Video Conferencing.

## 14 DOCUMENTS FOR SIGNING AND SEALING

### SUMMARY

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

#### ***Letter Under Seal - Mark Varmalis***

A letter under seal has been prepared in recognition of Mark Varmalis, Director Environment & Infrastructure, who has resigned after 38 years of service with Yarra Ranges Council (and formerly the Shire of Sherbrooke).

*Cr Heenan left the meeting at 9.20pm and returned to the meeting at 9.22pm prior to a vote being taken.*

**Moved: Cr Child**  
**Seconded: Cr Cox**

*That the following listed document be signed and sealed:*

*Letter Under Seal - Mark Varmalis.*

**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 Higgins**

**Seconded: Cr McAllister**

*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

**Moved: Cr Child**

**Seconded: Cr Fullagar**

*That in accordance with section 66(2)(a) of the Local Government Act 2020, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under section 3(1), as specified below.*

*17.1 CEO Employment Matters Item*

*17.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*

**The motion was Carried unanimously.**

## 17.1 CEO Employment Matters

**Moved: Cr Fullagar**  
**Seconded: Cr Higgins**

That

1. *Council resolves to increase the total remuneration package (TRP) of the Chief Executive Officer (CEO) to:
  - (a) \$395,619 effective the first full pay period commencing on or after 3 February 2022; and
  - (b) \$397,418 effective the first full pay period commencing on or after 1 July 2022 reflecting the increase to superannuation guarantee.*
2. *Council resolves to authorise the CEO to make \$15,000 available in Council's 2022/23 financial year operating budget for the purpose of her professional development.*
3. *Council resolves to authorise the Mayor, on behalf of Council and subject to legal advice, to execute an extension, for a 5 year term, to the current CEO employment contract which expires in February 2023, maintaining the other terms and conditions of employment as they are.*
4. *This report will remain confidential indefinitely as it relates to matters specified under section 3(1)(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*
5. *This recommendation not be deemed confidential and be recorded in the public minutes of the meeting.*

**The motion was Carried unanimously.**

***Moved: Cr Child***

***Seconded: Cr Higgins***

*That Council resolves that the meeting be reopened to members of the public.*

***The motion was Carried unanimously.***

There being no further business the meeting was declared closed at: 10.00 pm.

Confirmed this day, Tuesday, 13 September 2022.

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**Councillor Jim Child (Mayor)**