



Council Meeting

Minutes

Tuesday, 11 October 2022
Civic Centre, 15 Anderson Street, Lilydale and
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,
Bill Millard
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.

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CONTACT US

Post	PO Box 105, Anderson Street
Telephone	1300 368 333
Facsimile	(03) 9735 4249
Email	mail@yarraranges.vic.gov.au

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	6
6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	6
7. DISCLOSURE OF CONFLICTS OF INTEREST	6
8. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC	7
9. PETITIONS	8
9.1 Petition to Council	8
10. BUSINESS PAPER	9
10.1 Yarra Ranges Planning Scheme Amendment C210 - consideration of submissions ...	9
10.2 Grants for Community Funding Recommendations 2023	10
10.3 Committee of Management, Yering Billabongs Project	11
10.4 EO16105 7037: School and Valley Road Seville - Road Improvement Works Special Charge Scheme Tender Evaluation Report	12
10.5 Rivers and Ridges Update	13
11. COUNCILLOR MOTIONS	14
12. ITEMS THROUGH THE CHAIR	14
13. REPORTS FROM DELEGATES	14
14. DOCUMENTS FOR SIGNING AND SEALING	14
15. INFORMAL MEETING OF COUNCILLORS	15
16. URGENT BUSINESS	15
17. CONFIDENTIAL ITEMS	15
17.1 Lilydale to Warburton Trail - Mt Lilydale Mercy College	15
18. DATE OF NEXT MEETING	16

YARRA RANGES COUNCIL

MINUTES FOR THE 568TH COUNCIL MEETING HELD ON TUESDAY, 11 OCTOBER 2022 COMMENCING AT TIME NOT SPECIFIED 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

Tammi Rose, Chief Executive Officer
Andrew Hilson, Director Corporate Services
Bill Millard, Director Environment and Infrastructure
Amanda Kern, Acting Director Planning, Design and Development
Jane Sinnamon, Director Recovery
Jane Price, Director Communities

4 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

5 MAYORAL ANNOUNCEMENTS

Melba Support Service Opening

The Mayor proudly spoke to a video showcasing a collaborative project between Melba Support Services and Community Housing Limited which supports specialist disability accommodation in Lilydale. The Mayor attended the opening of the facility mentioned in the video and remarked on what a wonderful outcome this project is for the community.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr McAllister

Seconded: Cr Todorov

That the Minutes of the Council Meeting held 27 September 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.

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

QUESTION FROM THE PUBLIC

Thomas Hobley, of North Croydon, asked:

What are council doing to fight the closure of the Melba Ave/Cave Hill road level crossing?

Amanda Kern, Acting Director Planning Design & Development responded:

Thank you Mr Hobley for your question.

As Yarra Ranges Council is a key stakeholder in this project, it has always advocated to the Level Crossing Removal Project (LXRP) that all project proposals are to be founded on sound, evidence based studies, outlining the need, whilst noting that the project also has an opportunity to provide improved function, safety and amenity to the local area.

Following consultation with local residents and businesses in 2019, Yarra Ranges Council advised the LXRP that it is Council's position that the Cave Hill Rd / Melba Ave level crossing should remain open.

Council responded to the State Governments 2021 project announcement by issuing a formal letter to the Victorian Government raising significant concerns regarding the proposed removal of this crossing. As part of this letter Yarra Ranges Council requested a comprehensive traffic and pedestrian study to be undertaken to demonstrate the need, improvements and provide the basis for a functional solution. LXRP undertook the study and continued to progress the project with the most recent project designs released this month.

This latest design proposal from LXRP aims to improve the local amenity, pedestrian links and work in with the existing heritage trees, local high school, adjacent subdivision development and the future Lilydale bypass. Council will continue engaging with LXRP on the proposed design released on 5th October and have escalated the outstanding issues for further discussion.

Residents of Yarra Ranges Council concerned with this proposal should also write to the Level Crossing Removal Project directly or the relevant State Government Ministers, being Minister for Transport Infrastructure and Minister for Planning.

Additionally, I can confirm that Council is currently undertaking continued advocacy for the duplication of the Lilydale line as a priority.

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.

9.1 Petition to Council

SUMMARY

The following petition was received:

PART A – General Petition

1. *Request for the installation of traffic lights at the intersection of Francis Crescent and Birmingham Road, Mt Evelyn. Residents have concerns regarding the dangerous traffic conditions that confront students, parents, staff and local residents at the Francis Crescent and Birmingham Road intersection, with the primary concern being the safety of all community members. 88 signatures.*

In accordance with Governance Rule 58, Bosa Carter spoke in support of the Petition.

Moved: Cr Heenan

Seconded: Cr Higgins

That the following listed General Petition be received and noted and referred to the appropriate officer.

1. *Request that Council install traffic lights at the intersection of Francis Crescent and Birmingham Road, Mt Evelyn.*

The motion was Carried unanimously.

10 BUSINESS PAPER

10.1 Yarra Ranges Planning Scheme Amendment C210 - consideration of submissions

SUMMARY

Amendment C210 proposes to apply the Heritage Overlay (HO430) to 1 Montrose Road, Montrose.

The amendment was placed on public exhibition from 7 July 2022 to 8 August 2022 and six submissions were received. Of those, one submission makes reference to matters unrelated to the proposed Heritage Overlay, one submission supports retention of the existing building, two submissions support the amendment and also request changes and one submission opposing the application of the HO has been received from the land owner.

In response to submissions, this report recommends that Council refer the Amendment and submissions to an independent Planning Panel appointed by the Minister for Planning.

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

Moved: Cr Cox

Seconded: Cr Todorov

That Council

1. *Note the matters raised in submissions to Amendment C210.*
2. *Request the Minister for Planning to appoint an independent Planning Panel under section 23 of the Planning and Environment Act 1987 to consider submissions to Amendment C210.*
3. *Write to all submitters advising them of Council's decision to refer the submissions to a Panel.*
4. *Present a submission generally in accordance with the position outlined in this report and attachments to a Panel Hearing.*
5. *Receive a further report to consider the Panel's recommendations.*

The motion was Carried unanimously.

10.2 Grants for Community Funding Recommendations 2023

SUMMARY

Council is committed to partnering with the community through grants to encourage, support and sustain a range of cultural, social and community initiatives.

The 2023 Grants for Community round has sought to prioritise projects which build mental and physical health and wellbeing, support strong and sustainable community connections and nurture thriving local places.

This report presents projects recommended for funding for the 2023 calendar year. Council opened the grant round 1 June 2022 and closed 15 July 2022 receiving 91 applications for the round, across three program streams:

- 42 Community Development;
- 29 Arts and Heritage; and
- 20 Festivals and Events.

Two independent panels recommend 63 applications be funded, totalling \$480,138.12. These recommendations conclude a robust and transparent assessment process.

The grants celebration event, which acknowledges successful grant recipients and showcases 2022 Grants for Community projects, is scheduled for Thursday 8 December 2022.

In accordance with Governance Rule 58, David Lloyd spoke in support 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 Fullagar

Seconded: Cr Skelton

That Council

Endorse the 2023 Grants for Community Program funding recommendations totalling \$480,138.12 as follows:

- 1. \$199,207.40 for 28 projects in the Community Development stream;*
- 2. \$146,485.72 for 19 projects in the Arts & Heritage stream; and*
- 3. \$134,445.00 for 16 projects in the Festivals & Events stream.*

The motion was Carried unanimously.

10.3 Committee of Management, Yering Billabongs Project

SUMMARY

The Yering Billabongs Project aims to re-create a natural floodplain as a shallow meadow for our community and importantly support the deepening of knowledge of this area for the Traditional Owners the Wurundjeri Woi-wurrung.

A Committee of Management will ensure long-term care of the site and support the biodiversity outcomes. Melbourne Water and Council propose to partner in the management of the site through the Committee of Management model. Melbourne Water and Council are well positioned to balance the expectations of the community and conservation initiatives while supporting Indigenous connection to country.

A Committee of Management through partnership for Yering Billabongs is proposed via Chief Executive Officer delegated authority.

Moved: Cr Skelton

Seconded: Cr McAllister

That Council

- 1. Approve Yarra Ranges Council as Committee of Management over Yering Billabongs in partnership with Melbourne Water.*
- 2. Delegate authority to the Chief Executive Officer to progress the Committee of Management arrangement and associated endeavours.*

The motion was Carried unanimously.

10.4 EOI6105 7037: School and Valley Road Seville - Road Improvement Works Special Charge Scheme Tender Evaluation Report

SUMMARY

This report summarises the quotation evaluation process for the School and Valley Road Seville - Road Improvement Works Special Charge Scheme and seeks Council approval to award the contract for construction to Foley Services 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. 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.

School Road and Valley Road, Seville were included on this list of roads and in accordance with Council's Special Charge Scheme Policy, landowner support has been sought and obtained for construction of the road. The project has been listed in Council's 2022/23 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 Heenan

That

1. *Council accepts the tender from Foley Services Pty Ltd for the total lump sum price of \$969,101.78 (GST exclusive), \$1,066,011.96 inclusive of GST and all provisional items as defined in this proposal.*
2. *Council approves the Director of 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.

10.5 Rivers and Ridges Update

SUMMARY

Ridges and Rivers encompass three main projects funded by all Government tiers and takes a strategic approach to expand the Yarra Ranges network of cultural and recreational experiences. These are the Warburton Mountain Bike Destination, RidgeWalk and Yarra Valley Trail. Together, when combined with the existing Lilydale to Warburton Rail Trail, the trails provide a unified and unique cultural, recreational and educational experience in multiple locations servicing various audiences.

It is anticipated that the projects will deliver 910,000 visitors per annum, create 597 jobs and inject \$103 million in economic spend to the region.

Yarra Ranges has developed and achieved funding for the projects to a value of \$29.6 million, with \$22.4 million coming from external funding sources.

The Warburton Mountain Bike Destination has recently been through an Environmental Effects Statement (EES). Once completed, along with the adoption of a Warburton Master Plan by Council, the project is ready to proceed pending the required EES outcomes.

The RidgeWalk Master Plan was endorsed by Council in September 2020. Varying sections are now undergoing detailed design, with construction having commenced on some sections. The creative arts component of the project is also progressing well.

Yarra Valley Trail has completed Stage 1A Lilydale to Yering and is preparing further construction of Stage 1B Yering to Yarra Glen. A Planning Permit has recently been received for this stage, however, an objection has been lodged with VCAT by an adjacent landowner, with a hearing scheduled for February 2023.

Funding for Stage 2A, Yarra Glen to Tarrawarra, was received through a Labor Party Federal election commitment while the Northern Tourist Loop around Yarra Glen was funded through a previous State Government commitment.

Planning for unfunded Stages 2B and 3, Yarra Glen to Healesville and Healesville to Woori Yallock respectively, continues.

The intent of this paper is to provide an update on the progress of all three projects.

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

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

Moved: Cr Fullagar

Seconded: Cr McAllister

That Council notes the current progress of all three Ridges & Rivers projects.

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

Cr McAllister:

- Provided an update on the Services for Healesville Hospital Action Group and the increasing community need for an Urgent Care Facility located at the Healesville Hospital. Cr McAllister requested the Mayor write, on behalf of Yarra Ranges Council, to the State Minister for Health advocating for the Urgent Care Facility in Healesville. Cr Heenan spoke in support of the request. Cr Child agreed to the request and thanked Cr McAllister for the work undertaken regarding the Urgent Care Facility.

Cr Todorov:

- Attended a Youth Mental Health Forum held on 9 October 2022 at the Yarra Ranges Council Civic Centre. Cr Todorov expressed her disappointment at the cut in funding for the Lilydale Youth Hub and encourage everyone to voice their concern. She then acknowledged a Rural Rainbows Pride event to be held on 15 October 2022.

Cr Heenan:

- Attended Save the Dandenongs League 70th Anniversary Celebration held on 9 October 2022 at the Karwarra Gardens, Kalorama. The event was also attended by Cr Eastham, Cr Cox and Cr Fullagar, former Councillors Samantha Dunn, Noel Cliff, Professor Michael Buxton (Shire of Sherbrooke), Betty Marsden (Shire of Sherbrooke) and Louis Delacretaz (Shire of Sherbrooke and Yarra Ranges Council).

13 REPORTS FROM DELEGATES

There were no Reports from Delegates received for this meeting.

14 DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.

There were no Documents for Signing and Sealing received for this meeting.

15 INFORMAL MEETING OF COUNCILLORS

Moved: Cr Cox

Seconded: Cr Eastham

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 Heenan

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 Lilydale to Warburton Trail - Mt Lilydale Mercy College

17.1 is Confidential under the terms section 3(1) of the Local Government Act 2020 as it contains information relating to: (a) Council business information, being information that would prejudice the Councils position in commercial negotiations if prematurely released; (c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

The motion was Carried unanimously.

17.1 Lilydale to Warburton Trail - Mt Lilydale Mercy College

Moved: Cr Higgins

Seconded: Cr Fullagar

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: 8.47 pm.

Confirmed this day, Tuesday, 25 October 2022.

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Councillor Jim Child (Mayor)