



Council Meeting

Minutes

Tuesday, 25 October 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,
Bill Millard
Director Planning Design & Development,
Kath McClusky

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- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

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CONTACT US

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YARRA RANGES COUNCIL

MINUTES FOR THE 569TH COUNCIL MEETING HELD ON TUESDAY, 25 OCTOBER 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) (Via Zoom)

Councillor Sophie Todorov

Councillor Len Cox OAM (Via Zoom)

Officers

Andrew Hilson, Acting Chief Executive Officer

Bill Millard, Director Environment & Infrastructure

Andrew Hilson, Director Corporate Services

Damien Closs, Acting Director Planning, Design and Development

Jane Price, Director Communities

Jane Sinnamon, Director Recovery

Allison Southwell, Acting Director Corporate Services

4 APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received for this meeting.

5 MAYORAL ANNOUNCEMENTS

WARBURTON MOUNTAIN BIKE DESTINATION PROJECT

The Mayor provided an update on the status of the Warburton Mountain Bike Destination Project Environment Effects Statement. Following the Eastern Regional Group of Councils meeting held in Ringwood on 20 October 2022, the member Councils (namely Knox, Manningham, Maroondah, Monash, Whitehorse and Yarra Ranges) gave their unconditional support to write a letter to the Minister for Planning to expedite the process and ensure an outcome is reached before the upcoming caretaker period.

The Mayor gave a summary of the funding and support the project has received to date from the Municipal Community, Yarra Ranges Council, and the member councils of the Eastern Regional Group of councils. The Mayor went on to outline the process the project has been through since 19 December 2019.

The Mayor drew attention to the Ministerial guidelines and timeframes that have not been met.

The Mayor also acknowledged the 2,707 submissions made to the Environment Effects Statement Panel Hearing, of which 2,400 supported the project. Noting that 70 people and groups presented to the Inquiry and Advisory Committee (IAC) Panel Hearing and that the IAC Panel Hearing submitted their findings within 40 days.

The Mayor noted that the recommended 25 days for Ministerial response has now taken over 5 months and questioned how the Suburban Rail Loop project, valued at \$35 billion, determined the outcome of the Environment Effects Statement within 5 weeks.

The Mayor closed by quoting the final paragraph of the Eastern Regional Group of councils letter to the Minister for Planning;

“We ask you to expedite your response before the upcoming caretaker period, so this significant regional project can commence and support the social and economic recovery of the region that has been heavily impacted by Covid-19, the June 2021 storms and the economic and employment impacts of the Victorian Forestry Plan”

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: Cr Fullagar

Seconded: Cr Higgins

That the Minutes of the Council Meeting held 11 October 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.

QUESTIONS FROM THE PUBLIC**Question from Anita Prowse, of Silvan:**

Can someone please tell me why the Upper Yarra Pony Club and Adult Riding club are the ONLY community sporting organisations that have to fund facilities and their maintenance themselves for the Public to also use? If facilities are Council Assets how is this appropriate?

Response from Bill Millard, Director Environment & Infrastructure:

Thank you for your question,

The clubs (mentioned above) are under a license agreement.

The licence agreement is consistent across other facilities that are singular in their use. The license agreement includes a building maintenance schedule that lists out the requirements and responsibilities of both parties. Whilst many of the maintenance responsibilities lie with the tenant, replacement, improvements and/or upgrades can be completed in partnership with Council through a capital expenditure nomination process. This is providing the nomination is successful.

Question from Anita Prowse, of Silvan:

Ongoing vandalism to Wesburn Park is a continual issue for user groups. Equestrian area's carpark is torn up by hooners every weekend, along with other building damage Constantly reported to both Police and Shire we apparently can't even have any lighting The consistent reply is there is provisional funds in the Wesburn Park masterplan Given the urgency and no current Master Plan funding and the fact the area has constant events until Christmas, can there not be something done?

Response from Bill Millard, Director Environment & Infrastructure:

Thank you for your question,

Ongoing vandalism and hoon activity are matters for Victoria Police. Council officers have contacted Victoria Police and have been advised that an audit will be undertaken on the site using Crime Prevention Through Environmental Design (CPTED) principles to determine the best course of action.

This process is in line with managing similar antisocial behaviour across the municipality. Recent experiences with other reserves, such as Mt. Evelyn Recreation Reserve, has shown that fencing is not suitable to manage antisocial issues such as hooning and vandalism. Victoria Police have advised that the auditing process is anticipated to commence next week. An officer will be attending the reserve to undertake the audit and identify mitigation methods.

Question from Benson Bannon, of Lilydale:

Why is the Civic Centre Community Opening Day on the same Sunday as the Lilydale & Yarra Valley Show, which has been held on the same weekend each year for the last 50 years, & is one of the top 10 rural shows in Victoria, when most of the Lilydale community groups, & residents are booked in as a stall holder or will be attending the many popular family-friendly events, exhibitions & activities at the Show? Car parking during the 2 days of the Show usually fills up the entirety of the township.

Response from Jane Price, Director Communities:

Thanks for your question, Mr. Bannon,

The Yarra Ranges Civic Centre Opening Day is a day for our community to come in and experience the Civic Centre, take a tour, meet Councillors and Council employees who provide services to the community, and meet with other community groups associated with Council. It is day to both celebrate the Yarra Ranges community and for our community to experience the new Civic Centre. Now that it is open and operational – this is a facility for community as much as it is our Council offices so we want to be able to promote how the Civic Centre can be used.

We were aware that the Open Day falls on the same weekend as the Lilydale & Yarra Valley Show and consulted with the organisers prior to locking in the November 20 date, to see if this raised any concerns. They assured us they were fine for the two events to run on the same day given the different program of events and experiences offered by both, and the ability to capitalise on the amount of visitors to Lilydale that day by offering a complementary event. We are liaising with the Lilydale & Yarra Valley Show and will look to promote the event at our Community Open Day so that community members can enjoy both events on the day.

Question from Ellena Biggs, of Millgrove:

The Yarra Ranges Council has funded the Warburton Mountain Bike Destination project since 2013 with their contribution of \$20,000 to the 2013 Feasibility Study, how much has the Council spent from 2013 to date on this project?

Response from Bill Millard, Director Environment & Infrastructure:

Thank you for your question,

Since the inception of the Warburton Mountain Biking Destination project in 2015, to date Council has an overall expenditure of \$4,718,563.

This includes all works and planning associated with environmental analysis, trail alignments and project design, and current works associated with the Environmental Effects Statement preparation and process.

The project is funded through a combination of State and Federal Government Grants, Community and Council contributions, totalling \$11.3million. In addition to this Council is separately funding staff costs.

Cr McAllister joined the meeting at 7.14pm during Item 8, Questions to Council.

SUBMISSIONS FROM THE PUBLIC

Old Lilydale Court House

Sue Thompson spoke to the history and preservation of the Old Lilydale Court House and the need for Council to address ongoing maintenance issues with the building.

The Mayor referred the matter to the Director Environment & Infrastructure and the Director Communities for further investigation.

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 Annual Report 2021-2022

SUMMARY

The 2021-22 Annual Report has been prepared to provide the community transparent reporting on our financial and non-financial achievements for the last financial year in accordance with the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020.

This includes the Report of Operations, the audited Performance Statement and the Financial Statements. The Annual Report has been developed to share with the community our key stakeholders the story of the successes and challenges Yarra Ranges Council faced in delivering on the 2021-25 Council Plan.

The 2021-2022 Annual Financial Statements and Performance Statement are presented to Council for approval in principle, prior to final consideration by the Victorian Auditor-General's Office (VAGO) and their agent (Crowe Australasia). The certification of these financial statements will be included in the full Annual Report.

The Annual Report and a summary version for the community will be available to online and at the Community Links, see attached. A video to highlight progress of the seven major initiatives has also been produced and will be shown at the Council meeting on the 25 October 2022 where the report will be formally considered by Council.

Moved: Cr Child

Seconded: Cr McAllister

That Council considers

- 1. The Yarra Ranges Annual Report 2021-2022 (Part 1) and notes its completion per the Section 98 of the Local Government Act 2020.*
- 2. The Yarra Ranges Annual Report 2021-2022 (Part 2 Financials) and notes its completion as per Section 98 of the Local Government Act 2020, with the inclusion of the VAGO certification once received.*

The motion was Carried unanimously.

10.2 2021-2022 Annual Financial Statements and 2021-2022 Performance Statement - Adoption in Principle

SUMMARY

The 2021-2022 Annual Financial Statements and Performance Statement are presented to Council for approval in principle, prior to final consideration by the Victorian Auditor-General's Office (VAGO) and their agent (Crowe Australasia). Crowe has completed a review of the Financial Statements and the Performance Statement and all supporting information, with the statements reflecting the outcomes of the audit. Crowe expects to issue an unqualified audit opinion (subject to final signoff by VAGO). These statements have been reviewed and endorsed in principle by Council's Audit and Risk Management Committee (ARMC) on Monday 3 October 2022 and have verbal audit clearance from Crowe for presentation to Council.

Council is required under the *Local Government Act 2020* to approve in principle each of the statements and to authorise two Councillors to certify each of the statements in their final form subject to any changes recommended, or agreed to, by VAGO being made.

It is recommended the two Councillors authorised to certify the statements be the Councillor representatives on the ARMC, being Cr Jim Child and Cr Fiona McAllister.

The Mayor requested Cr McAllister take the chair while he attended to a personal matter.

Cr Child left the meeting at 7.40pm prior to a vote being taken.

Moved: Cr Fullagar
Seconded: Cr Higgins

That Council

- 1. Approve in principle the 2021-2022 Annual Financial Statements and the Performance Statement attached to this report.*
- 2. Authorise the Principal Accounting Officer to make any changes recommended by the Victorian Auditor-General's Office or Crowe Australasia.*
- 3. Authorise Councillors Child and McAllister to certify the Annual Financial Statements and the Performance Statement in their final form after any changes recommended, or agreed to, by the Victorian Auditor-General's Office have been made.*

The motion was Carried unanimously.

Cr Child returned to the meeting at 7.43pm after the vote being taken.

10.3 Planning Application - YR-2022/59 - 272 Maroondah Highway Healesville - Planning Report

SUMMARY

This application seeks to develop the land at 272 Maroondah Highway Healesville and part of the adjoining Council owned pedestrian laneway for a three storey building for two retail premises at the ground level, three dwellings on the second and third level, and seeks the reduction in carparking requirements of three spaces.

The proposal requires the removal of a non-contributory building currently used as an office to develop the site, however a planning permit is not required for this demolition.

The application seeks building access and installation of an awning along the adjacent Council owned pedestrian laneway. Council's property department are generally supportive of this, however the permit holder will need to enter into a licensing agreement with Council via separate process following planning approval. The licensing agreement will address function, liability, and maintenance responsibilities. Relevant departments in areas of traffic, infrastructure and property have been made aware of this request and raised no concerns. Necessary conditions on permit are recommended to facilitate this request.

No carparking spaces are provided on the lot. The site does share ownership of and access to a rear nine (9) space informal/gravel surfaced carparking area with the property at 274 Maroondah Highway Healesville. Vehicle access to the carparking area is via Symons Street. The application seeks to secure three of the nine carparking spaces for the dwelling occupants. Relevant permit conditions are recommended addressing the carparking physical layout and installation of design elements to achieve this.

The application received twelve (12) objections with concerns related to general misalignment with Heritage and Township development design outcomes, impacts to commercial businesses, traffic impacts, increase to carparking demand and amenity concerns focused on noise impacts, daylight loss, overlooking and overshadowing into adjoining commercially zoned allotments.

The application exhibits strong alignment to objectives and strategies of Healesville Commercial Precinct (Heritage Precinct) and Healesville District (Healesville Structure Plan) in providing all accessible housing and varied commercial uplift within Healesville Town Centre.

The high-quality building design respects and enhances the existing commercial streetscape character and pedestrian function, and demonstrates a positive relationship with adjoining properties, including the Grand Hotel.

The proposal including the building design detailing is an excellent example of delivering on Council's sustainable development strategic direction.

Overall, it is considered that the proposal demonstrates a strong alignment with the relevant policies and provisions of the Yarra Ranges Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

In accordance with Governance Rule 58, Laurence Paratz, Ben Arnold and Theo Rodas spoke in objection of the recommendation included in the officer report.

In accordance with Governance Rule 58, Marius VogalMARIUS VOGAL spoke in support of the recommendation included in the officer report.

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

Moved: Cr McAllister

Seconded: Cr Heenan

That the debate on this matter be deferred until the 22 November 2022 Council meeting to allow for further investigation into concerns raised by objectors regarding impacts on surrounding business owners.

The motion was Carried unanimously.

10.4 Planning Application YR-2022/125 - 215 Liverpool Road, Kilsyth

SUMMARY

The application is for the use and development of a telecommunications tower, ancillary equipment, and construction of a chain-link fence around the tower and ancillary equipment. No vegetation is proposed to be removed.

The northern of the subject site is used for landscape supplies and the storage of earthmoving equipment. The remainder the site is open paddocks and includes horse grazing. No changes to use of the remainder of the property is proposed.

Five objections, including one with 20 signatures, were received. The objections raised concern with visual impact, the proximity to residential and other sensitive land uses, radiation and impact to wildlife. No consultation meeting was undertaken, and the application was not amended in response to the objections.

The proposal has been assessed against the relevant provisions of the Planning Scheme and the *Yarra Ranges Council Telecommunications Facilities Policy (2012)*. It is consistent with the Scheme and policy as they relate to the consideration of telecommunications infrastructure, visual amenity, and protection of native vegetation.

Accordingly, it is recommended that the application be approved and a Notice of Decision to Grant a Planning Permit, subject to conditions, be issued.

Moved: Cr Fullagar

Seconded: Cr Cox

That Council resolve to approve Planning Application YR-2022/125 for Use and development of a telecommunications tower, ancillary equipment, and construction of fence at 215 Liverpool Road, Kilsyth and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

The motion was Carried unanimously.

10.5 Review of Delegations Made to Council Staff

SUMMARY

Updates have been made to the Instrument of Delegation to members of Council staff (the Instrument) to reflect changes to the Planning and Environment Act 1987.

The proposed changes, shown by way of “track changes” in Attachment 1 to the report, ensure that appropriate members of Council staff holding, acting in or performing the duties of the positions described in the Instrument are nominated to act as delegates.

Council is asked to approve the updated Instrument.

Moved: Cr Skelton

Seconded: Cr Eastham

In the exercise of the powers conferred by the legislation referred to in the Instrument of Delegation included at Attachment 1, Council resolves that:

- 1. The delegations made to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff be approved, subject to the conditions and limitations specified in that Instrument.*
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than to the Chief Executive Officer) are revoked.*
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

The motion was Carried unanimously.

10.6 Appointment and Authorisation under the Environment Protection Act 2017 & the Planning and Environment Act 1987

SUMMARY

This report provides for an update to the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the Planning and Environment Act 1987 and Section 242(2) of the Environment Protection Act 2017.

Moved: Cr Eastham
Seconded: Cr Higgins

That Council

1. *Formally appoint the officers referred to in
 - (a) the Instrument of Appointment and Authorisation included at Attachment 1 to the report as an Authorised Officer, pursuant to Section 147 (4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020.
 - (b) the Instrument of Appointment and Authorisation included at Attachment 2 to the report as an Authorised Officer, pursuant to Section 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021.*
2. *Request that both Instruments of Appointment and Authorisation, as outlined in this recommendation, be signed and sealed by the Chief Executive Officer.*
3. *Note that both Instruments come into force immediately the common seal of Council is affixed to the instrument and remain in force until Council determines to vary or revoke them.*

The motion was Carried unanimously.

10.7 Park Street, Nicholas Street, Mary Road, Elsie Street, Royal Avenue & Imperial Avenue, Wandin North Declaration of Special Charge

SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 23 August 2022 considered a report on road improvement works for Park Street, Nicholas Road, Mary Road, Elsie Street, Royal Avenue & Imperial Avenue, Wandin North. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report advises that one submission has been received regarding the Special Charge and recommends that Council declare the Special Charge with minor modification.

Moved: Cr Eastham
Seconded: Cr Hennan

That

1. *Council, having given notice of its intention, reviewed the details of the proposed special charge and given consideration of submissions hereto, declare the special charge for works associated with the Park Street, Nicholas Road, Mary Road, Elsie Street, Royal Avenue & Imperial Avenue, Wandin North Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 189, with the following modification:*
 - (a) *The development unit allocation to property 65 De Lancey Road be reduced from 0.5 to 0.25 units.*
 - (b) *Council's contribution to the project be increased by 0.25 development units to offset the reduced contribution by this property.*
2. *In accordance with the provisions of Section 223 of the Local Government Act 1989, notice in writing be served on every person who has lodged a separate submission and in the case of a submission lodged on behalf of a number of persons, notice in writing to one of those persons, advising of Council's decision and the reasons for that decision.*
3. *In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

The motion was Carried unanimously.

10.8 Austral Avenue, Upwey Declaration of Special Charge

SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 23 August 2022 considered a report on road improvement works for Austral Avenue, Upwey. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report advises that no submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

Moved: Cr Fullagar
Seconded: Cr Higgins

That

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and having received no submissions hereto, declare the special charge for works associated with the Austral Avenue, Upwey Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 189, without modification.*
- 2. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

The motion was Carried unanimously.

10.9 Nevada Avenue, Upwey Declaration of Special Charge

SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 23 August 2022 considered a report on road improvement works for Nevada Avenue, Upwey. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report advises that no submissions have been received regarding the Special Charge and recommends that Council declare the Special Charge without modification.

Moved: Cr Fullagar

Seconded: Cr Cox

That

- 1. Council, having given notice of its intention, reviewed the details of the proposed special charge and having received no submissions hereto, declare the special charge for works associated with the Nevada Avenue, Upwey Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 189, without modification.*
- 2. In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

The motion was Carried unanimously.

10.10 Belbrook Road, Carween Avenue, The Highway, Weldon Grove and Mast Gully Road (service road), Upwey Declaration of Special Charge

SUMMARY

Following an extensive consultation process with landowners, Council at its meeting of 23 August 2022 considered a report on road improvement works for Belbrook Road, Carween Avenue, The Highway, Weldon Grove and Mast Gully Road (Service Road), Upwey. Council resolved to advise of its intention to declare a special charge in accordance with the provisions of Section 163 of the Local Government Act 1989.

This report advises that two submissions have been received regarding the Special Charge and one property's allocated charge has been reviewed and recommends that Council declare the Special Charge with modification.

Moved: Cr Fullagar

Seconded: Cr Todorov

That

1. *Council, having given notice of its intention, reviewed the details of the proposed special charge and given consideration of submissions hereto, declare the special charge for works associated with the Belbrook Road, Carween Avenue, The Highway, Weldon Grove and Mast Gully Road (Service Road), Upwey Special Charge Scheme in accordance with the provisions of Section 163 of the Local Government Act 189, with the following modifications:*
 - (a) *Property 23-29 The Avenue be removed from the Special Charge Scheme and Council's contribution to the project be increased by 2 development units to offset the removal.*
 - (b) *The development unit allocation to property 35 Mast Gully Road be increased from 0.5 to 1 unit.*
2. *Council's contribution to the project be reduced by 0.5 development units to offset the increased contribution by this property.*
3. *In accordance with the provisions of Section 223 of the Local Government Act 1989, notice in writing be served on every person who has lodged a separate submission and in the case of submission lodged on behalf of a number of persons, notice in writing to one of those persons, advising of Council's decision and the reasons for that decision.*
4. *In accordance with the provisions of Section 163 of the Local Government Act 1989, notice be served upon all persons liable for the special charge advising of Council's decision and that persons aggrieved by Council's imposition of the special charge upon them, may apply to the Victorian Civil and Administrative Tribunal within 30 days of effective issue of the notice, for a review of the decision.*

The motion was Carried unanimously.

10.11 EOI6105 7073: Mt Morton Road Stage 1 (Glen Road to no. 141) and Hood Street Belgrave Heights – Road Improvement Works SCS

SUMMARY

This report summarises the quotation evaluation process for the Mt Morton Road Stage 1 (Glen Road to No. 141) and Hood Street Belgrave Heights - Road Improvement Works Special Charge Scheme and seeks Council approval to award the contract for construction to TDM Earthworks Pty Ltd.

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

Mt Morton Road Stage 1 (Glen Road to No. 141) and Hood Street Belgrave Heights 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 Skelton

Seconded: Cr Heenan

That

- 1. Council accepts the tender from TDM Earthworks Pty Ltd for the total lump sum price of \$1,432,673.11 (GST exclusive), \$1,575,940.42 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.

10.12 EOI6105 7104 - Beresford Road, Road Rehabilitation works

SUMMARY

This report summarises the evaluation process and seeks Council approval for the award of the contract for Beresford Road, Road Rehabilitation works in Lilydale.

The Evaluation Panel recommends the tender from TDM Earthworks Pty Ltd be accepted for a lump sum contract amount of \$1,030,268.53 GST exclusive including provisional items (\$1,133,295.39 GST inclusive).

The works includes kerb and channel replacement, subsoil drainage, pavement, asphalt and line marking works.

Moved: Cr Todorov
Seconded: Cr Heenan

That

- 1. Council appoints TDM Earthworks Pty Ltd to EOI6105 7104 Beresford Road, Road Rehabilitation works for a total lump sum of \$1,030,268.53 exclusive of GST including provisional items (\$1,133,295.39 GST inclusive).*
- 2. Council approves the Director of Environment and Infrastructure be delegated the authority to sign the contract documents*
- 3. 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.

10.13 EOI6105 7038: Victoria Road, Railway Road and English Street, Seville - Road Improvement Works Special Charge Scheme

SUMMARY

This report summarises the quotation evaluation process for the Victoria Road, Railway Road and English Street, Seville - Road Improvement Works Special Charge Scheme and seeks Council approval to award the contract for construction to TDM Earthworks Pty Ltd.

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

Victoria Road, Railway Road and English Street, 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 Fullagar

That

- 1. Council accepts the tender from TDM Earthworks Pty Ltd for the total lump sum price of \$1,898,422.27 (GST exclusive), \$2,088,264.50 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.

11 COUNCILLOR MOTIONS

In accordance with Chapter 3, Division 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Councillor motions listed on the agenda for this meeting.

12 ITEMS THROUGH THE CHAIR

12.1 Hills Food Frontier Group

Cr Skelton advised that the Hills Food Frontier were winding up its business and requested a letter of acknowledgement be signed, by the Mayor on behalf of the Council. Cr Skelton spoke of the work the group had done over the years, including multiple community gardens, assessments of food production in the area and ongoing gardening sessions and lessons.

12.2 Lilydale Street Fair

Cr Heenan met online with Bec Rosel and Sharon Manning, who are organising the Lilydale Street Fair, and congratulated them on the work they had undertaken in preparation for the inaugural event to be held Saturday 3 December 2022.

12.3 Vale Ion Whykes

Cr McAllister advised of the passing of former Healesville High School Principal, Ion Whykes. Cr McAllister requested a letter of condolence be sent to his family on behalf of the Council.

13 REPORTS FROM DELEGATES

Cr Eastham:

- Attended a Burrinja Cultural Centre Board meeting and was impressed at the level of support from the community who have rallied behind the facility after such challenging times. Cr Eastham noted the incredible work being undertaken by the staff at Burrinja.
- Attended a dinner hosted by Tribe-Monbulk Youth Inc., and founded by Belinda Grooby. He then remarked on the event as being emotive in nature and was delighted to see the group empowering young people to have a say and talk about the battles they face in a safe space.

Cr Cox:

- Attended the Kilsyth Festival, hosted by the Kilsyth Action Group, held 23 October 2022. Cr Cox noted the festival was a great example of Council's grant funding being enjoyed by so many members of the community. Cr Fullagar also attended the festival.

Cr Skelton:

- Attended the Indigenous Advisory Committee meeting held on 18 October 2022. Cr Skelton noted the new interpretive signs using Woiwurrung language that have been installed along the Lilydale to Warburton Trail. Cr McAllister also attended the meeting.
- Attended the Eastern Regional Group of Councils meeting held on 20 October 2022 at REALM in Ringwood. Noting it would be her last as Deputy Mayor. Cr Child also attended the meeting.
- Attended the 2022 Municipal Association of Victoria Annual Conference Dinner held on 13 October 2022 in Melbourne, Cr Skelton noted how impressed she was with speakers at the conference.
- Attended the Biochar Facility at Lysterfield Waste Transfer Site to witness machinery for the facility being installed.

Cr Fullagar:

- Attended The Sustainability Environment Advisory Committee held on 6 October 2022 and chaired the meeting in the absence of Cr Skelton. Cr Fullagar received updates from Melbourne Water (Yerring Billabong) and DELP (Helmeted Honey Eater) and noted the Upper Yarra Reservoir Park is now open after three years of rehabilitation. Cr Fullagar also highlighted the successful grant application for a deer control program.
- Attended The Montrose CFA Open Day held on 23 October 2022, Cr Fullagar noted the support to the event given by Yellingbo and Upway CFA brigades.
- Acknowledged the Friends of Glenfern Valley Bushlands who celebrated 21 years of conservation and enhancing the diversity of native flora and fauna of the Glenfern Valley Bushlands.

Cr Child:

- Attended the 2022 Municipal Association of Victoria Annual Conference Dinner held on 13 October 2022 in Melbourne, the Mayor acknowledged both Cr Fiona McAllister and Cr Richard Higgins for receiving 10 Year Victorian Councillor Service Awards.

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 Child

Seconded: Cr Higgins

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: 9.23 pm.

Confirmed this day, Tuesday, 8 November 2022.

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Councillor Jim Child (Mayor)